

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday 31 August 2021

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber, at the Council Offices, Trinity Road, Cirencester on Wednesday, 8 September 2021 at 10:00 am.

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Sue Jepson, Julia Judd, Juliet Layton, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Substitute Members**
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes**
To confirm the minutes of the meeting of the Committee held on 11 August 2021.
5. **Chair's Announcements (if any)**
6. **Business and Planning Act 2020 - Extension to Pavement Licensing Regime**
(Pages 5 - 24)
Purpose
The report details the extension of the current regime and the review to the current Policy and provides the Committee with a draft document for approval.

Recommendations
 - a) That the Committee considers the draft Policy at Annex A;
 - b) That, subject to any further amendments, approves the draft Policy; and
 - a) Approves the fee charged for 2021/22.
7. **Cotswold District Council's Hackney Carriage and Private Hire Licensing Policy Review** (Pages 25 - 252)
Purpose
To provide the Planning and Licensing Committee with an opportunity to review the Draft Hackney Carriage and Private Hire Licensing Policy and to seek approval of the document.

Recommendations
 - a) That the Committee considers the revised Hackney Carriage and Private Hire Licensing Policy in 'Annex A'; and
 - b) subject to any further amendments approves the document to come into effect from 1 October 2021.
8. **Schedule of Applications** (Pages 253 - 342)
To consider and determine the applications contained within the enclosed schedule:

Application No	Description	Ward Councillor(s)	Case Officer / Page No:
20/04343/REM	Reserved Matters (Phase 1A) pursuant to Outline permission 16/00054/OUT	Councillors Gary Selwyn, Roly Hughes and Ray	Anthony Keown Page 255

	(mixed use development comprising demolition of existing buildings (as detailed on the submitted demolition plan) and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane) landscaping and associated supporting infrastructure to include vehicle Development Phase 1A Chesterton Wilkinson Road Cirencester Gloucestershire	Brassington	
21/00950/FUL	Full application for conversion of garage to 5 no. dwellings, with associated parking and landscaping at Ivor Webb And Sons Garage, Cherry Tree Lane, Cirencester, Gloucestershire, GL7 5DT	Councillor Mike Every	Andrew Moody Page 299
21/00736/FUL	Single storey ancillary accommodation within garden at Haydons Bank Station Road Chipping Campden Gloucestershire GL55 6HY	Councillors Mark Annett and Gina Blomefield	Rachel Gaskell Page 321

9. **Sites Inspection Briefing** (Pages 343 - 344)


10. **Licensing Sub-Committees**

Members for Wednesday 15 September 2021 (if required)

Councillors Ray Brassington, Patrick Coleman, Andrew Maclean, Dilys Neill and Gary Selwyn.

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Agenda Item 6

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>PLANNING AND LICENSING COMMITTEE – 8 SEPTEMBER 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 6</p>
<p>Subject</p>	<p>BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: juliet.layton@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Email: michelle.bignell@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>The report details the extension of the current regime and the review to the current Policy and provides the Committee with a draft document for approval.</p>
<p>Annexes</p>	<p>Annex A – Copy of draft Pavement Licensing Policy</p>
<p>Recommendation/s</p>	<p>a) That the Committee considers the draft Policy at Annex A; b) That, subject to any further amendments, approves the draft Policy; <i>and</i> c) Approves the fee charged for 2021/22.</p>
<p>Corporate priorities</p>	<p>Delivering our services to the highest standards</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>Cotswold District Council Pavement Licensing Working Group – August 2021</p>

1. BACKGROUND

- 1.1. The Business and Planning Act 2020 (“the Act”) was introduced in 2020 to support various business sectors including hospitality. This Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime which permitted businesses to apply to the Local Authority for a licence to use outside space to extend the trading area available for consumption of food and drink during the pandemic.
- 1.2. These powers were in place until 30th September 2021.
- 1.3. The Pavement Licensing regime has now been extended until 30th September 2022 under the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021.
- 1.4. Cotswold District Council has issued a total of 17 licences across the District.

2. MAIN POINTS

Draft Policy Document

- 2.1. There have been no major changes to the draft policy at Annex A. The only changes made are:
 - Updated dates to reflect the extension of the Act
 - Information for existing licence holders and how to reapply
 - Amendment to condition 5 of the Standard Conditions for clarification

Fee

- 2.2. It is proposed that the fee of £100 remains unchanged. This is the maximum amount permitted to be charged under the Act.
- 2.3. Licensing fees should be charged on a cost recovery basis. Although a cost recovery exercise has not been carried out, the cost of processing a licence would be more than £100.

Existing licence holders

- 2.4. As there is no renewal application permitted under the Act, it is intended to make the application process as easy as possible for those licence holders who wish to apply for a ‘like-for-like’ licence. If no issues have been reported during the time that the licence has been in force, the licence will be granted irrespective of objections. The reason for this is that the regime specifies a review process where issues arise. The licence holder will need to submit a copy of the public liability insurance to demonstrate that they still hold insurance.
- 2.5. A complete application will be required if licence holders wish to change the layout or number of tables/chairs on the existing licence.
- 2.6. A fee will be charged in each case.

Consultation

- 2.7. The working group which was established in 2020 was consulted on the draft policy. The working group consists of:
- Councillor Joe Harris, Leader
 - Councillor Tony Dale, Cabinet Member for the Economy and Council Transformation
 - Councillor Juliet Layton, Cabinet Member for Development Management and Licensing
 - Councillor Ray Brassington, Chair of Planning and Licensing Committee
 - Claire Locke, Group Manager
 - Michelle Bignell, Service Leader
 - Matthew Britton, CDC Forward Planning Team

2.8. The working group was supportive of the fee and the draft policy.

3. FINANCIAL IMPLICATIONS

- 3.1. As the maximum fee that is able to be charged is £100, it is recommended that this remains as the cost of processing the licence is not covered by this fee.

4. LEGAL IMPLICATIONS

- 4.1. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

5. CLIMATE CHANGE IMPLICATIONS

- 5.1. There are no implications arising from this report.

6. ALTERNATIVE OPTIONS

- 6.1. None

7. BACKGROUND PAPERS

- 7.1. MHCLG Guidance on Pavement Licences July 2021
- 7.2. Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021

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COTSWOLD
DISTRICT COUNCIL

Cotswold District Council Pavement Licensing Policy

Revised September 2021

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1. Introduction

The Business and Planning Act 2020 (“the Act”) was enacted to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act create a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Cotswold District Council (“the Council”) is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council.

The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation is to support businesses to operate safely while social distancing measures remain in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The temporary licensing regime was in place until 30 September 2021. The provisions were then extended to 30 September 2022 when they are due to expire in accordance with section 10 of the Act.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which, in principle, means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of the evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council on the appropriate form, and accompanied by:

- A plan showing the location of the premises marked by a red line, so the application site can be clearly identified
- A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture to be placed on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

The applicant must also have public liability insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million before the licence can be utilised.

If a Traffic Regulation Order is required, the applicant must ensure that this permission is in place prior to applying for a Pavement Licence.

An application will not be considered complete (valid) until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

All expired licences will be treated as new applications. The applicant must re-advertise the application for a period of 7 days. If the application is for the same layout only a copy of the public liability insurance will be required. If there is a change to the original layout, all documents will be required (e.g. plan, photographs of furniture etc.). A fee will be due in both cases.

3.2 Fees

The fee for applying for a licence under the new process is set locally, but capped at £100. The Council has determined that the fee for applications will be £100.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was received by the Council.

The Council will publish details of the application on its website at www.cotswold.gov.uk

The Council is required by law to consult with the Highway Authority. In addition, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with:

- Cotswold District Council Forward Planning teams
- Cotswold District Council Food, Health and Safety team
- Cotswold District Council Operations (Environmental Health) team
- Gloucestershire Police
- Ward Members

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must, on the day the application is made, fix a Notice of the application to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. The Notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the Site Notice requirement having been complied with must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;

- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the Council).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposal:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter? and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises;
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example, if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and so take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have also to place tables and chairs on the highway and plans for customers to queue outside.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult upon and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the Council determines the application before the end of the determination period it can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the Council does not determine the application within the 14 day period, the application will be deemed to have been granted. Consultees will therefore be informed that failure to respond within the stated timeframe will be considered as consent.

If an applicant is re-applying for a pavement licence and objections are received against a 'like-for-like' application, if there were no concerns raised during the period of time that the previous licence was in place the application likely to be granted. The reason for this is that there is a revocation process if required.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Café Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and the appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Café Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Cafés to operate between 08:00 and 22:00hrs. Applicants are encouraged not to apply to operate outside of these times.

Applications outside these hours will be assessed in terms of the criteria detailed above regardless of whether objections have been made or not. The Council, however, retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the public consultation period, excluding public holidays) it can specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that Councils will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2022.

If a licence is 'deemed' granted because the Council does not make a decision on an application before the end of the determination period, then the licence will be valid for one year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2022.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Café, or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application with an additional fee and address the concerns raised in the original application.

4. Conditions

The Council's standard conditions can be found at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The Council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Appendix 3 to this document.

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls, and applicants must ensure all such permissions are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a Notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council may revoke a licence in the following circumstances:

1. For breach of condition (whether or not a Remediation Notice has been issued), or
2. Where:
 - there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food but had applied for a licence where tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the Notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which is scheduled to expire on 30 September 2022.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Cafés generally, relevant social distancing measures or as a result of local considerations within the Cotswold District.

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Cotswold District Council for a pavement licence at:

.....

..... (3)

Known as..... (4)

The application is for:

.....

..... (5)

Any person wishing to make representations to this application may do so by writing to ers@cotswold.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:

www.cotswold.gov.uk

Signed

Date (7)

Guidance notes on completing this notice of application

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink).
- (6) Last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays)
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. It should be secured so that the notice remains in place until the end of the 7 day public consultation period.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

Standard Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
4. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Cotswold District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements or any other reasonable cause. This may mean that the pavement café will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.

5. Tables and chairs must not be placed in position outside of the permitted times of the pavement licence. All tables and chairs and other furniture must be stored securely inside a premises away from the highway outside of these times.
6. The licence holder must ensure that furniture is positioned in such a way so as to ensure compliance with the relevant Government guidance on social distancing that is in place at any particular time and that staff can service the space in a manner that does not compromise their health and safety or the health and safety of customers .
7. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 22:00hrs on any day, whichever is the earliest.
8. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
9. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area, and removing any refuse and litter on the highway in the vicinity of the removable furniture.
10. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
11. The licence holder is not to make or cause to be made any claim against the District or County Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
12. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions (see Appendix 3).
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Cotswold District Council or the Highway Authority.
16. The premises must ensure that if alcohol is sold from the business that all necessary permissions under the Licensing Act 2003 are in place.

17. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café and the types of furniture that have been agreed to be used on the highway.
18. Cotswold District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
19. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that all of the conditions above are being adhered to.

National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - ii. passing along the relevant highway, or
 - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.


Smoke-free seating condition:

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

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Agenda Item 7

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>PLANNING AND LICENSING COMMITTEE – 8 SEPTEMBER 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 7</p>
<p>Subject</p>	<p>COTSWOLD DISTRICT COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: juliet.layton@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Email: michelle.bignell@publicagroup.uk</p>
<p>Summary</p>	<p>To provide the Planning and Licensing Committee with an opportunity to review the Draft Hackney Carriage and Private Hire Licensing Policy and to seek approval of the document.</p>
<p>Annexes</p>	<p>Annex A – Draft Cotswold District Council’s current Hackney Carriage and Private Hire Licensing Policy</p> <p>Annex B – Department for Transport (DfT) Statutory Taxi and Private Hire Standards</p> <p>Annex C – Draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire</p> <p>Annex D – Cotswold District Council’s current Hackney Carriage and Private Hire Licensing Policy (April 2018)</p> <p>Annex E – Comparison Table between current requirements and proposed requirements</p> <p>Annex F – Institute of Licensing’s Guide to determining suitability of applicants and licensees in the Hackney and Private Hire trades</p> <p>Annex G – Copy of consultation responses</p>
<p>Recommendations</p>	<p>a) That the Committee considers the revised Hackney Carriage and Private Hire Licensing Policy in ‘Annex A’; and</p> <p>b) subject to any further amendments approves the document to come into effect from 1 October 2021.</p>
<p>Corporate priorities</p>	<p>Delivering our services to the highest standards</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>

Consultees/ Consultation	12 week consultation with various bodies as detailed in this report
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1. BACKGROUND

- 1.1. In July 2020, the Department for Transport (DfT) brought out updated guidance for local Councils on their approach to their Taxi/Private Hire licensing function. The Statutory Taxi and Private Hire Vehicle Standards Guidance is attached at **Annex B**.
- 1.2. The DfT recommended that Licensing Authorities should have reviewed their current policies against the document by January 2021 and have a plan to implement the Standards.

2. MAIN POINTS

Joint approach

- 2.1. The Licensing team at Cotswold District Council (“the Council”) works closely with the other Licensing Authorities in Gloucestershire and it was felt that the best approach to the new Statutory Standards would be to set up a Working Group and develop a County approach.
- 2.2. The County approach would ensure that there is a level playing field when it comes to the licensing of drivers, operators and vehicles and enables the Council to set up information sharing agreements with the County Council, Gloucestershire Police and agree Joint Authorisations for Officers carrying out enforcement.
- 2.3. Looking at the DfT document, the requirements were put into a draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire. The document is attached at **Annex C**.
- 2.4. The Council already has a high standard when it comes to the licensing of drivers, operators and vehicles to ensure that public safety is not jeopardised. The joint document has been amended in some areas where the Council has a higher standard than the County. For example, the mandatory requirement to sign up for the DBS (Disclosure and Barring Service) Online Update Service will be by 2023 for the County. However, this is already mandatory for the Council’s drivers to do this and so this has been amended.
- 2.5. The DfT Standards raises the Council’s standards even higher and focusses on the safeguarding of travelling passengers including children and vulnerable individuals who are over 18 from harm when using these services.
- 2.6. A copy of the Council’s current Hackney Carriage and Private Hire Licensing Policy is attached at **Annex D**.
- 2.7. A comparison document between the DfT Statutory Standards and the Council’s current policy requirements is attached at **Annex E**.

Convictions Policy

- 2.8. It was felt by the working group that the assessment of previous convictions in the DfT document was unclear and would not offer adequate guidance to Members, applicants and licence holders when faced with an application or review of a licence due to convictions.
- 2.9. The Convictions policy at Appendix B of the draft County document has been written by the Working Group. The Working Group took the proposed standards in the DfT document, the Institute of Licensing’s ‘Guidance on determining suitability of applicants and licensees in the hackney and private hire trades’ (copy attached at **Annex F**) and current policies from the County and drafted a widespread document so that Members have

extensive guidance to make decisions. It also lays out clear guidelines to licence holders and applicants and minimises the risk of deviating from the policy and facing appeals.

Consultation

- 2.10. The Planning and Licensing Committee determined to commence a consultation on the proposed standards at its meeting in March 2021.
- 2.11. A 12 week consultation has been carried out with the following parties:
- All current licence holders (drivers, operators and vehicles)
 - Ward members
 - Town/Parish Councils
 - Trade customers
 - Trade associations
- 2.12. As this is a County-wide approach, this will be supported by press releases across the Councils in Gloucestershire.
- 2.13. Cheltenham Borough Council also consulted with County Authorities such as Gloucestershire Police and the County Council.
- 2.14. A copy of all responses is attached at **Annex G**.
- 2.15. Following an appraisal of the comments, it was felt that no amendments were considered necessary.
- 2.16. The current policy has been updated to reflect these changes. This document will be formatted in accordance with the Council's style guide prior to publishing on the website.

CCTV

- 2.17. At present, CCTV is permitted in licensed vehicles as long as the licence holder complies with other data protection legal requirements.
- 2.18. The DfT document also states that *'licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues'*.
- 2.19. The County work is reviewing the driver standards. It is proposed that a second piece of work in 2021/22 will look at the vehicle part of the Council's Policy and review in line with the Council's climate change priorities.
- 2.20. A question was asked within the consultation whether there was a need to make CCTV a mandatory requirement. The responses are contained within **Annex G**.

3. FINANCIAL IMPLICATIONS

- 3.1. There will be a financial impact as a result of these changes. Private Hire Operators will incur increased costs due to additional DBS checks upon staff.
- 3.2. The Council will face an increase in work to comply with the Statutory Standards. The cost of this work will be absorbed in the fee setting process in 2021/22.

4. LEGAL IMPLICATIONS

- 4.1.** Licensing should consult on any changes to the licensing rules or its policy that might affect passengers or trade. Such consultations should include not only the Taxi and Private Hire trades but also groups likely to be the trade's customers. In accordance with section 177(4) of the Policing and Crime Act 2017, Licensing Authorities must have regard to the DfT 2020 Guidance when exercising their functions.
- 4.2.** Privacy notices on the application forms will need to be reviewed to ensure that the changes proposed under the DfT 2020 Guidance are reflected.
- 4.3.** There are data protection implications arising from adopting the National Register of Taxi Licence Revocations & Refusals (NR3). Licensing has been working closely with the Data Protection Officer to ensure that the Council is fully compliant and follows the LGA Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3).

5. ALTERNATIVE OPTIONS

No alternative options are proposed.

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Hackney Carriage and Private Hire Policy October 2021

Business Support (Licensing) Environmental and Regulatory Services, Cotswold District Council, Trinity Road, Cirencester GL7 1PX	Tel: 01285 623000 Email: ers@cotswold.gov.uk Web: www.cotswold.gov.uk
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General

Introduction

The Council has the responsibility to regulate and control all operators, drivers and vehicles used for carrying passengers for hire and reward within the Cotswold District under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

This document includes Cotswold District Council's Policy and Conditions with regard to Hackney Carriage (Taxis) and Private Hire licensing and will provide guidance to applicants, interested parties, Officers and Members on the approach the Council will take on Hackney Carriage and Private Hire licensing matters. Additionally, this document provides guidance on legislation and other issues that have an impact on Hackney Carriage and Private Hire licensing.

For the purposes of this document, Hackney Carriage vehicles will be referred to as Hackney Carriages.

Objectives

In setting out its Policy, the Council seeks to promote the following objectives:-

- a) Safety and health of drivers and the public;
- b) Vehicle safety, comfort and access;
- c) To prevent crime and disorder and protect the public.

Future Amendments to Policy and Conditions

All licences are granted subject to compliance with the Policies and Conditions contained within this document.

This document was approved by the Planning and Licensing Committee on 8 September 2021 and came into force on 1 October 2021.

This document may be amended and republished from time to time to take account of changes in legislation and minor amendments. However, any such changes or amendments that have significant impact on the Policies and Conditions in this document shall first be considered by the Planning and Licensing Committee for approval. Matters that would be considered significant include those that could have a financial or negative impact on licence holders or new applicants or that affect the convenience, safety or comfort of passengers.

General Differences between Hackney Carriages and Private Hire

There are two types of vehicle that carry fare paying passengers that are licensed by Cotswold District Council.

Hackney Carriages

- Can be flagged down and use designated ranks
- Can be pre-booked
- Hackney Carriages must have a meter and the maximum tariff (fare) is set by the Council.
- Hackney Carriages must display a roof sign

Private Hire

- Must be booked in advance of a journey.
- The booking must be made through a licensed Private Hire operator
- The fare is agreed in advance between the operator and the customer

Maximum Number of Passengers

The maximum number of passengers that a Hackney Carriage or Private Hire vehicle can be licensed to carry is 8.

Any vehicles used for hire and reward that carry more than 8 passengers must be licensed by the traffic commissioners as a public service vehicle <https://www.gov.uk/psv-operator-licences/overview>

Licences issued by Cotswold District Council

There are five types of Licence issued by Cotswold District Council.

1. Dual Drivers Licence

This is a licence that allows you to drive both Hackney Carriage and Private Hire vehicles. This licence is issued for 3 years.

2. Private Hire Drivers Licence

This licence allows you to drive a Private Hire vehicle only. This licence is issued for 3 years.

3. Private Hire Operators Licence

If you take bookings for a Private Hire business, you must hold a Private Hire operator's licence. This licence is issued for 1 or 5 years.

4. Hackney Carriage Vehicle Licence

You must have a Hackney Carriage vehicle licence for each Hackney Carriage you own. The licence will be granted for 1 year only.

5. Private Hire vehicle Licence

You must have a Private Hire vehicle licence for any vehicle that you use for Private Hire. A Private Hire vehicle must be operated under a Private Hire operator licence. The licence will be granted for 1 year only.

Application Forms

Application forms and associated documents are available from the Council's website www.cotswold.gov.uk

How can I pay?

- **By Post** - payment by cheque made payable to "**Cotswold District Council**" and sent to the Business Support (Licensing), Environmental and Regulatory Services, Trinity Road, Cirencester GL7 1PX
- **By Telephone** – Customer Services can be contacted on (01285) 623000 and the team will take card payment from you
- **Online** - www.cotswold.gov.uk/makeapayment

Renewals

The Council does not have a legal obligation to notify you when your licence is due to expire. **Please ensure that you are aware of the expiry date and that you submit your renewal application at least 7 days before expiry to ensure that the application is processed in time.**

Refunds

No refunds are issued for any Hackney Carriage and Private Hire licences.

Right of Appeal

With two exceptions there is a right of appeal to the Magistrates Court in relation to driver, vehicle and operators licences for the following:

- An application for a new licence, or renewal of a licence, is refused by the Council
- An existing licence is suspended or revoked by the Council
- Any conditions imposed on the licence

The appeal must be lodged within 21 days of the decision being notified to the applicant or licence holder.

The exceptions are:

- The right of appeal against the refusal to grant or renew a Hackney Carriage vehicle licence is to the Crown Court
- Where the Council suspends a Hackney Carriage or Private Hire vehicle licence under section 68 (immediate suspension in a situation where, on inspection of the vehicle, the Police or Council are not satisfied to the fitness of the vehicle or accuracy of the meter) there is no right of appeal.

Hackney Carriage and Private Hire Drivers

1. Hackney Carriage and Private Hire Driver (Dual Driver) - Application Requirements

The following apply to Dual Driver Licences and Private Hire Driver Licences.

The dual driver licence permits you to drive both Hackney Carriages and Private Hire vehicles. The Private Hire driver licence permits you to drive a Private Hire vehicle only.

1.1 New Application

You must have held a full valid driving licence for at least 12 months authorising you to drive a motor car in the UK.

You must be 18 years of age or over.

An application cannot be granted unless the Council is satisfied that you are a 'fit and proper person' to hold a Hackney Carriage or Private Hire driver licence. There is no judicially approved test, however, when determining whether a driver is 'fit and proper', the Council will consider, amongst other things, the applicant's relevant skills, knowledge, experience, qualifications, conduct, medical fitness, criminal record and any previous history as a licence holder.

If you have criminal convictions you may wish to wait until the Council has considered your criminal conviction and DVLA conviction history before undertaking the medical or driver assessment as any fees incurred will not be refunded should the Council decide that you are not a 'fit and proper person' in relation to offences.

You are required to notify the Council of any convictions, cautions, fixed penalties received or any court cases pending during the application period (i.e. the time between the application being submitted and the licence being granted).

To make a new application you must submit the following (for information on how to obtain these please visit the driver application section of the website):

- **Application form**
- **Application fee**
- **Passport size photograph**, recently taken and clearly showing your full face uncovered, without sunglasses or hat
- **Valid DVLA driving licence**, authorising you to drive a motor car in the UK, showing your current home address
- **DVLA check code**
Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service prior to licensing with the Council. If this certificate has not been processed by the Council, the original certificate must be seen along with proof of the DBS Online Update Service registration. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information.
In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.
- Please see our convictions policy in Annex 2 for further details.

- **Satisfactory Group 2 medical certificate** completed by your own General Practitioner or a medical practitioner that has access to your medical records. A medical certificate will not be accepted if it is dated more than 4 months prior to submitting the application. All costs associated with the medical certificate are met by the applicant and paid direct to the medical practitioner.
- **Evidence of successful completion of a Driving Assessment** through Gloucestershire County Council. Assessment Certificates will not be accepted that are over 12 months old.
- **Evidence of successfully passing a Safeguarding Training Course** as specified by Cotswold District Council.
- **Evidence that you have passed a knowledge test.** The knowledge test is an examination held at the Council Offices. Please see Annex 3 for details about the Knowledge Test.
- **A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.**
- **English Proficiency qualification** (see 2.10)

Additional Application Requirements for Foreign Nationals and Persons That Have Resided Outside of England, Wales and Republic of Ireland

The Council must be satisfied that you are a 'fit and proper person'.

The DBS Criminal Record Check covers England, Wales and Republic of Ireland. The Council needs to take account of any offences committed outside these countries. If you are a foreign national or are a person who has resided outside of England, Wales and The Republic of Ireland, you must provide the following:

- DBS Enhanced Criminal Record Disclosure Certificate as detailed in new application requirements (unless you have only just arrived in this country). The DBS Enhanced Criminal Record Disclosure will show any convictions that have been committed in the UK.
- Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident. Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will assist you further in obtaining this document.
- Driving Licence that permits you to drive in the UK for vocational purposes (driving as a job). If you hold an EC/EEA driving licence the Council will normally expect you to convert this to a GB driving licence prior to making your application.

Drivers

A renewal application must be completed prior to the expiry date of your current Hackney Carriage and/or Private Hire driver licence. If you do not renew your licence before your licence expires you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option of applying for a 3 year licence.

To make a renewal application you must submit:

- Renewal application form
- Fee
- Valid DVLA driving licence authorising you to drive a motor car in the UK showing your current home address
- DVLA check code

Renewals will not be processed if there are any DBS and medicals certificates outstanding.

Any previous information that has not been disclosed on your new or renewal application (for example speeding, criminal convictions etc.) will result in your licence being reviewed by the Licensing Sub-Committee.

2. Hackney Carriage & Private Hire Drivers (Dual Driver)- Cotswold District Council Policy

2.1 Duration of Licence

The Licence shall remain in force for a period of 3 years. The Council retains the right to only issue a licence for 1 year duration if appropriate.

2.2 Medical Criteria

You must provide a satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records at the following times:

- On application
- Every five years between the ages of 45 – 65 years
- Every year from the age of 65

All costs associated with the medical certificate are met by the applicant.

A recent satisfactory Group 2 medical examination for a PCV or HGV may be acceptable as an appropriate medical. This is, however, at the discretion of the Licensing Officer and you **must** be able to provide sufficient evidence that the medical was completed by your own General Practitioner or a medical practitioner that has access to your medical records and the DVLA have determined you are fit to drive a PCV/HGV. This certificate must be no more than 4 months old.

The Group 2 standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of 'medical criteria' to obtain a licence to drive category C1 vehicles. The Council will apply those standards.

You **must notify the Council immediately** if you develop any health or medical issues that may affect your fitness as a driver. The Council may require you to produce medical evidence of continuing fitness to drive during the period of the licence.

2.3 Requirement to return Driver Badge

If you no longer intend to be a Hackney Carriage or Private Hire driver, or your badge is suspended or revoked, you must return your licence and badges to the Council **within 7 days**.

2.4 Notification of Changes

If you move house or change your name, or if any other details included on the application form change, you must write and let the Council know **within 7 days**. If you cease to work for a Hackney Carriage proprietor or Private Hire operator or change to work for another Hackney Carriage proprietor or Private Hire operator you must write and let the Council know **within 7 days**.

2.5 Convictions, Cautions and Fixed Penalties

Licence holders are required to notify the Licensing Authority **within 48 hours** any of the following:

- an arrest and release, charge or conviction of any sexual offence
- any conviction, caution, fixed penalty or court case pending
- any motoring offence including speeding fines

An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at Annex 1 for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

It is a requirement of your driver licence that you must notify the Police that you are a licensed driver upon arrest or whilst being interviewed under caution.

2.6 DBS Check (Disclosure and Barring Service) criminal history

It is a requirement as a licensed driver to have a satisfactory criminal check (DBS) in place at all times. The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team.

The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

The DBS certificate must specify 'Other Workforce' and Child and Adult Barring list information.

The Licensing Authority will conduct 6 monthly checks automatically. In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

2.7 Code of Conduct

While working as a Hackney Carriage or Private Hire driver, you shall act in accordance with the following:

- Display your driver badge where it is easily visible
- Have a clean and tidy appearance in accordance with the Dress Code
- Behave in a polite and courteous manner
- Take reasonable precautions to ensure the comfort and safety of passengers at all times
- Attend punctually at the appointed time and place when hired
- If requested offer reasonable assistance with the loading and unloading of bags and luggage
- Offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination
- Unless otherwise directed by the hire, you should proceed to the destination by the shortest or most economical route

Drivers

- Not eat or drink in the vehicle whilst working as a Hackney Carriage or Private Hire vehicle
- Comply with a passenger's request not to play any radio or other sound producing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- Not play any radio or other sound producing equipment in the vehicle so loud that it causes a noise nuisance to anyone inside or outside the Hackney Carriage or Private Hire vehicle
- Not carry animals in the vehicle whilst working as a Hackney Carriage or Private Hire except those carried in connection with the hiring of the vehicle. The driver has the discretion to decide whether he/she wants to take an animal belonging to a passenger in the vehicle, however, that animal may only be carried in the rear of the vehicle
- **Must carry a customer's guide, hearing or assistance dog** unless the driver holds an exemption on medical grounds
- Shall ensure that the vehicle is clean, tidy and free of rubbish and unnecessary personal belongings whilst being used to carry passengers
- Shall ensure that they comply with the Intended Use Policy at all times (see Annex 4)

2.8 Dress Code

The purpose of Cotswold District Council's driver dress code is to seek a standard of dress that portrays a positive image of the district; to enhance a professional image of the drivers licensed by the Council and to ensure that public and driver safety is not compromised. The Council expects all licensed drivers to be dressed in an appropriate manner whilst working as a Hackney Carriage or Private Hire driver.

Unacceptable standards of dress include:

- Dirty and ripped clothing
- Words or graphics on any clothing that is of an offensive or suggestive nature
- Beachwear
- Outdoor footwear for all drivers must be suitable. Flip flops and forms of footwear which are not secured around the heel are deemed unacceptable.

2.9 Lost Property

When a passenger is leaving your vehicle, you should check to make sure that no property has been left behind.

If a passenger does leave something in your vehicle you should take it to a local Police Station and get a receipt for it from the duty officer.

2.10 Safeguarding and Equality Awareness Training

There are well-publicised issues relating to child sexual exploitation and human trafficking that have occurred throughout the country. These are abhorrent crimes and the Hackney Carriage and Private Hire trade have a role to play in tackling this issue by acting as the 'eyes and ears' of the community to help identify and help those who are vulnerable or being exploited.

Cotswold District Council is committed to working with the other Gloucestershire Licensing Authorities and the Gloucestershire Safeguarding Board to set up training for all Hackney Carriage and Private Hire drivers..

All new applicants must complete the training prior to licensing. All existing licence holders must attend refresher training every 3 years. Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed.

2.11 English Proficiency – The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this. Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test. English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

2.12 National Register of Taxi Licence Refusals and Revocations Drivers (NR3)

Cotswold District Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision

- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a dual hackney carriage and private hire driver licence or for a private hire driver licence. Cotswold District Council has a published policy on its website outlining the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link](#) to follow)

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request. ([link to follow](#))

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

All new and renewal driver licence applications will be checked against the NR3 to ensure that no action has been taken by any other Licensing Authorities.

2.13 Fit and Proper Test

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

2.14 Complaints against licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,

Drivers

- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at Annex 2.

3. Hackney Carriage & Private Hire Drivers (Dual Driver) - Requirements under Legislation

3.1 Equality Act 2010

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

3.2 Wheelchair Users

Under the Equality Act 2010, from 6 April 2017, drivers of Hackney Carriage and Private Hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

- carry the passenger while in a wheelchair
- not make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- give the passenger such mobility assistance as is reasonably required

Section 166 allows us to exempt drivers from the duties to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The licensing authority will also maintain a list of designated wheelchair accessible vehicles on its website.

3.3 Assistance Dogs

Under the Equality Act 2010, licensed drivers of Hackney Carriages and Private Hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

To ensure that the Equality Act 2010 is upheld, Cotswold District Council will have a zero tolerance policy to access refusals and will investigate all reported violations of the Act with a view to pursuing a conviction.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. The Council will only issue an exemption certificate when it is authorised by the driver's GP and is

accompanied by medical evidence, for example a blood test, a skin prick test or clinical history. The notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

3.4 Smoke Free Legislation

Under the Health Act 2006, Hackney Carriage and Private Hire vehicles are smoke free vehicles by law. This means that neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if you are driving a licensed vehicle without passengers you will be committing an offence if you smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed Hackney Carriage or Private Hire vehicles.

3.5 Immigration Act 2016

Any person who does not have the right to work in the UK is disqualified from holding a Hackney Carriage or Private Hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

Hackney Carriages and Private Hire vehicles

4. Vehicles - Application Requirements

4.1 New Application

To make an application you must submit the following:

- Application form
- Fee
- Vehicle registration document in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Meter Calibration Certificate. This applies to all Hackney Carriages. For Private Hire vehicles it only applies if a meter is fitted
- LOLER and weight test certificate (if applicable)
- Basic DBS check by the vehicle proprietor if they are not a licensed driver with Cotswold District Council

4.2 Renewal Application

A renewal application must be completed prior to the expiry date of the current Hackney Carriage vehicle licence. If you do not renew your licence before it expires your vehicle becomes unlicensed and should not be used for hire and reward. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply.. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

To make a renewal application you must submit:

- Application form
- Fee
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Hackney Carriage, Hackney Carriage or public hire. For Private Hire vehicles insurance will state Private Hire
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Basic DBS check by the vehicle proprietor if they are not a licensed driver with Cotswold District Council

4.3 Transfer of Ownership Application

(Ownership of a licensed vehicle is transferred to another person(s)).

To make a transfer application the new owner must submit the following:

- Transfer application form
- Fee
- Proof of transfer of the licensed vehicle such as a registration certificate in the new owner's name or, if not available, a bill of sale, an invoice or a credit agreement

- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT (unless the vehicle is less than 1 year old from registration date)
- Written consent to transfer from previous licence holder
- Basic DBS check by the vehicle proprietor if they are not a licensed driver with Cotswold District Council

The existing licence plate will be valid for the remainder of the current licence. A new plate will not be issued.

4.4 Change of Vehicle Application

(A licensed vehicle is replaced with another vehicle either temporarily or permanently)

To make a change of vehicle application you must submit:

- Change of vehicle application form
- Fee
- Proof of ownership of the vehicle such as a registration certificate in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Return any plates and discs previously issued by the Council

For permanent transfers, the licence holder can choose whether to be issued with a new plate for a full year or for the remainder of the current year.

For insurance companies providing vehicles temporarily, a new licence must be applied for. The application form should be completed by the insurance company.

4.5 Change of Registration of Vehicle Application

(The registration number of a licensed Hackney Carriage or Private Hire vehicle is changed eg personalised number plate)

To make a change of registration application you must submit:

- Change of registration application form
- Fee
- Documents from DVLA confirming change of registration
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate showing new registration
- Return any plates and discs previously issued by the Council

5. Hackney Carriage and Private Hire vehicles - Cotswold District Council Policy

5.1 Vehicles

The vehicle shall be of a suitable size, type and design to be safe and comfortable for passengers.

The vehicle must be right hand drive.

Normally vehicles should be four door saloons; five door estates, multipurpose vehicles (people carriers), minibus or purpose built Hackney Carriages.

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access in to and egress from the vehicle and cause no inconvenience to passengers.

A minibus, or similar type of vehicle, in addition to the driver's door, must have at least two other doors that provide adequate entry/egress to the vehicle for use by passengers. These doors must permit easy access for passengers entering and exiting the vehicle and be readily opened from inside the vehicle. They may consist of:

- Either two sliding doors, one to either side of the vehicle, or
- A door on the 'near side' of the vehicle and a door at the rear of the vehicle

The vehicle licence holder shall ensure that the vehicle and all fittings and seating are efficient, safe, tidy and clean.

The **outside of the vehicle** will be free from dents, rust or unrepaired accident damage and with even paintwork matching that applied by the manufacturer. This includes alloy wheels, hub caps and wheel trims.

The **inside of the vehicle** will be free of all visible stains, splits, and tears unless satisfactorily repaired or covered neatly. All carpets and mats will be fitted so as to not be a trip hazard.

A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.

5.2 Age policy for vehicles

A new application for a Hackney Carriage or Private Hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration.

An application to change the vehicle licensed as a Hackney Carriage or Private Hire vehicle will be refused if a vehicle is more than 5 years old from date of first registration.

An application to renew a Hackney Carriage or Private Hire vehicle will be refused if the vehicle is more than 15 years old from date of first registration.

Wheelchair accessible vehicles will be exempt from the above policy.

Licensing Officers have the discretion to licence a vehicle that does not meet the above age policy in the case of elite vehicles such as purpose built Hackney Carriage cab, Rolls Royce or similar provided the vehicle is in excellent condition. Any such requests for licensing a vehicle should be made in writing by email.

5.3 Converted Vehicles (including wheelchair accessible)

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- European Whole Vehicle Type approval (ECWVTA)
- UK Low volume approval (UKLVTA)
- UK Individual Vehicle Approval (IVA)
- Certificate of Initial Fitness (COIF)
- UK Voluntary Standard Individual Vehicle Approval

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

For vehicles that have been converted and currently licensed with Cotswold District Council, an IVA will be required by 1 April 2020.

5.4 Wheelchair Accessible Vehicles

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- The vehicle must be capable of accommodating a wheelchair user in a wheelchair so that the wheelchair faces forwards. The wheelchair must not be placed sideways
- Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of a wheelchair
- Access ramps or lifts to the vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off

- When deployed, ramps must run flush with the interior floor level
- Any equipment fitted to the Hackney Carriage or Private Hire vehicle for lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times

5.5 Stretched Limousines

Hackney Carriages

Stretched Limousines are not permitted to be licensed as Hackney Carriage vehicles.

Private Hire vehicles

Stretched limousines are permitted to be licensed as Private Hire vehicles.

The vehicle may be left or right hand drive.

The vehicle will be licensed to carry no more than 8 passengers.

All limousines must have a UK single vehicle approval certificate issued by VOSA.

Any proprietor who wishes to license an American Stretched Limousine will need to prove the vehicle has been converted by an approved converter under the Ford, Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to provide the evidence to support this.

Where any vehicle is 'stretched' within the European Union the proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

Each Private Hire Licensed Stretched Limousine shall be required to produce a new MOT certificate every 6 months. The MOT test should be carried out by a VOSA registered MOT testing station with facilities to accommodate such vehicles.

5.6 Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Annex 1.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage or private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important

consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6. Hackney Carriage and Private Hire vehicles - Cotswold District Council Conditions

These conditions are attached to all Hackney Carriage and Private Hire vehicle licences issued by Cotswold District Council.

6.1 Vehicle Testing

All vehicles over 5 years old will be subject to obtaining a satisfactory MOT certificate every 6 months. It will be the licence holder's responsibility to ensure that this certificate is submitted to licensing in a timely manner.

6.2 Vehicle Plates

Hackney Carriages only - an external licence plate must be attached to the outside of the vehicle adjacent or near to the rear vehicle number plate and must be visible at all times that the licence is in force.

Hackney Carriages and Private Hire - an internal licence plate must be attached to the internal bottom passenger side corner of the front windscreen and must be visible from inside and outside the vehicle at all times that the licence is in force.

All plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired shall be returned to the Council **within 7 days** from the date of a notice served on the licence holder by the Council.

6.3 Roof Signs

Hackney Carriages

A roof sign must be displayed on the top of the vehicle clearly showing the word 'Taxi'. The sign shall be attached to the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the Council. The following may be incorporated in the roof sign:

- the trade name or name of the proprietor;
- the telephone number, email address and/or website of the proprietor;
- the words 'For Hire' which are only illuminated when the licensed Hackney Carriage is available for hire;

The roof sign may be of any colour except blue, but must conform to national legislation and Road Vehicle Lighting Regulations in respect of the display of lights to the front and rear of any vehicle.

Any exceptions to this rule must be submitted to the Licensing Officer for consideration.

Private Hire vehicles

The displaying of signs on or above the roof of a Private Hire vehicle is permitted but can only consist of the company name, telephone number and must state pre-booking only. The words 'taxi', 'cab' or 'Hackney Carriage' are strictly prohibited.

Requests for roof signs on Private Hire vehicles must be approved by the Licensing Officer.

6.4 Fire Extinguisher

The vehicle licence holder shall ensure that an appropriate fire extinguisher is provided in the vehicle and is maintained in good working order and readily available for use in an emergency.

6.5 First Aid Kits

It is recommended that a First Aid Kit is carried in the vehicle.

6.6 CCTV

CCTV in vehicles is not currently a requirement.

If the licence holder chooses to install CCTV, they must be registered with the ICO.

CCTV systems must be operated in accordance with data protection legislation.

Any vehicle with CCTV that records inside the vehicle must display a sign advising passengers that a CCTV system is in operation in the vehicle.

Audio recording CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with a sound recording facility then this functionality should be disabled. There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Further information on CCTV and data protection can be found on the Information Commissioners' website at <https://ico.org.uk>

6.7 Tinted Windows

Vehicles will not be accepted that have tinted film on the windows. However factory fitted tinted windows are permitted.

6.8 Luggage

All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.

Any roof racks, roof boxes and trailers to be used must be approved by a Licensing Officer. When using such equipment you should ensure that the luggage is safely secured.

6.9 Seatbelts

For each passenger carried in the licenced vehicle there shall be available a properly fitted, maintained and EU approved seatbelt as per the manufacturer's specification.

6.10 Meters

Hackney Carriages

All Hackney Carriages must have a meter.

For requirements relating to meters in Hackney Carriages please see Hackney Carriage Byelaws (see section 7).

A meter certificate issued by a meter fitter, approved by the meter supplier, will be required in the following cases:

- When a vehicle is first licensed
- If a meter is replaced
- A meter is moved to another licensed vehicle
- Cotswold District Council rates are changed
- At the request of a Licensing Officer where there is concern about the accuracy of the meter

Hackney Carriage meters may be tested for accuracy at the discretion of the Council.

Private Hire vehicles

A meter may be installed in a Private Hire vehicle. However, if installed, it must have a sign attached stating that 'This is a Private Hire vehicle' and clearly display the tariff to which the meter is set. The tariff set should not exceed the authorised tariff for Hackney Carriages set by the Council. A meter certificate certifying the meter has been calibrated accurately must be provided when the meter is installed, changed or moved to another vehicle.

6.11 Fares

Hackney Carriages

For a journey that wholly takes place within the controlled district the meter shall be running at no higher than the prescribed rate and the fare charged shall be the fare showing on the meter unless a fare is agreed with the passenger(s) prior to the commencement of the journey. Such an agreed fare shall not exceed the prescribed rate.

For a journey that either wholly or in part takes place outside the controlled area the fare or method of calculation of the fare shall be agreed with the passenger(s) prior to the commencement of the journey.

Private Hire

All journeys must be pre-booked. The fare must be agreed in advance with the customer or, if a meter is fitted, it must be agreed prior to the journey to use the meter.

6.12 Setting of fares

Upon receipt of a request to review the fares for the District, the licensing authority must conduct a review.

The request must be supported by independent operators and firms to ensure that the request is required by a combination of licence holders. As a rule, a request will not be accepted if there is less than 10% of the trade requesting it.

A request will only be entertained providing that there has been no other review within the past 12 months.

Once a request has been received, the licensing authority will ensure that the consultation commences within 3 months of receipt.

6.13 Complaints, compliments and feedback regarding licensees

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints, compliments or general feedback directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at Annex 2.

6.14 Advertising

A copy of the policy guidelines on signage, advertising and other vehicle signage is shown in Appendix 9. The requirements are detailed below:

For Hackney Carriage Vehicles

a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from licensing. No new markings or advertising can be displayed until the application has been approved.

c) The Hackney Carriage company / proprietor's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.

d) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the

Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.

e) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.

f) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

For Private Hire vehicles

a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 962mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from the Licensing Team. No new markings or advertising can be displayed until the application has been approved.

c) The Private Hire Operator's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.

d) The use of the following words, or derivatives of them, is PROHIBITED anywhere on a Private Hire vehicle: 'TAXI', 'CAB', 'HACKNEY CARRIAGE'

e) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.

f) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.

g) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

Approval of signage and advertising

All new signs, markings and advertisements must be approved by the Council. In the case of disagreement between the Licensing Officer and the applicant, the applicant may ask for the application to be considered by the Council's Licensing Sub-Committee.

7. Hackney Carriage Byelaws

These bye laws only apply to Hackney Carriages, they do not apply to Private Hire vehicles

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Cotswold District Council with respect to Hackney Carriages in the Cotswold District.

Interpretation

1. Throughout these bye laws “the Council” means the Cotswold District Council and “the district” means the area of Cotswold District Council.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed.

2. (a) The proprietor of the Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a Hackney Carriage shall:-

- i. not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided.

3. The proprietor of the Hackney Carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be ready available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.

4. The proprietor of the Hackney Carriage shall cause the same to be provided with the taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for hire of the carriage by the council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions conduct of the proprietors and drivers of Hackney Carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a Hackney Carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. A driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so to face in the same direction; and
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved.

8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any persons hiring or seeking to hire the carriage:-

- (a) convey a reasonable amount of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of the building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares.

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have accidentally be left therein.

17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed in to him:-

Vehicles

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave in the custody of the officer in charge of the office on his giving receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds scale and in the case of a continuing offence to a further fine not exceeding five pounds for each day running which the offence continues after conviction therefor.

Given under the Common Seal of the Cotswold District Council this 24th day of April 1987 in the presence of P.A. Cutts (Chairman) and D.Waring (Chief Executive).

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1st day of August 1987.

8. Hackney Carriage and Private Hire vehicles - Requirements under Legislation

8.1 Duration of Licence

The licence shall remain in force for a period of one year.

8.2 Number of Passengers permitted

A Hackney Carriage or Private Hire vehicle shall not be licensed to carry more than 8 passengers.

A Hackney Carriage or Private Hire vehicle shall not carry any more passengers than the number stated on the Hackney Carriage or Private Hire vehicle plate.

8.3 Hackney Carriage must be driven by a licensed Hackney Carriage Driver

Once a vehicle is licensed as a Hackney Carriage it can only be driven by a person holding a Hackney Carriage driver's licence issued by the same Council throughout the duration of that Hackney Carriage vehicle licence. This includes when the Hackney Carriage is being used for private use.

8.4 Private Hire vehicle must be operated by a licensed Private Hire Operator and driven by a licensed Private Hire Driver

A Private Hire vehicle must at all times be operated by a Private Hire operator licensed with the same Council.

Once a vehicle is licensed as a Private Hire vehicle it can only be driven by a person holding a Private Hire drivers licence issued by the same Council throughout the duration of that Private Hire vehicle licence. This includes when the Private Hire vehicle is being used for private use.

8.5 Private Hire vehicle must not look or be used like a Hackney Carriage

A Private Hire vehicle must not be or resemble a Hackney Carriage or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage. For example it should not resemble a London style Hackney Carriage.

A Private Hire vehicle must not display any sign that includes the word 'Taxi' or 'Cab' or 'For Hire' or any word of similar meaning or appearance to any of those words.

8.6 Plying for Hire – Hackney Carriages only

Plying for hire means waiting for passengers at a taxi rank or being flagged down in the street.

Hackney Carriages licensed by Cotswold District Council can only ply for hire within Cotswold District boundaries.

A Private Hire vehicle is not permitted to ply for hire.

8.7 Change of Address or Details of Licence

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council in writing **within 7 days** of any changes in the details of their licence including a change of address.

8.8 Notification of Accidents

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council as soon as reasonably practical and **no longer than 72 hours** after any accident that causes damage affecting the safety, performance or appearance of a Hackney Carriage or Private Hire vehicle or the comfort and convenience of the passengers.

8.9 Smoke Free Legislation

Hackney Carriages and Private Hire vehicles are smoke free vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if there are no passengers the driver cannot smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

A 'No Smoking' sign must be displayed in each compartment in the vehicle which shows the international 'No Smoking' symbol (a minimum of 70 mm in diameter).

8.10 Seat Belt and Child Restraint legislation

The driver of a Hackney Carriage or Private Hire vehicle is responsible for ensuring that all passengers under the age of 14 are wearing the correct seat belts or restraints.

There is an exemption in legislation for Hackney Carriages and Private Hire vehicles regarding child restraints. If the correct size child restraints are not available in the vehicle then the following apply:

- Under 3s may travel unrestrained but in the rear seat only;
- Those 3 years and above in the rear seat must use an adult belt if the appropriate child seat or booster is not available;
- A child up to 12 years old or up to 135 cms in a front seat of any vehicle including Hackney Carriages must use the correct child seat or booster.

The driver of a Hackney Carriage or Private Hire vehicle is exempt from wearing a seatbelt whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire. However, as a matter of safety, the Council would advise that drivers do wear their seatbelts at all times and in particular when not carrying passengers.

8.11 Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a premises licence or temporary event notice in accordance with the Licensing Act 2003.

Private Hire Operators

9. Private Hire Operators - Application Requirements

9.1 New Applications

You have the option to apply for a licence that lasts for 1 year or 5 years. The application process is the same but the fee is higher for a 5 year licence.

To make an application, you must submit the following:

- Application form
- Fee
- Satisfy the Council that you are a 'fit and proper person'. You must provide a Basic Criminal Record Disclosure and provide appropriate identity documentation. (Where you have also submitted an application for a Hackney Carriage or Private Hire driver licence to the Council (and that application or licence is still current), the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure)

Additional New Application Requirements for Foreign Nationals and Persons That Have Resided Outside the UK

- Provide a Basic Criminal Record Disclosure as detailed in application requirements above (unless you have only just arrived in this country). The Basic Criminal Record Disclosure issued through Disclosure Scotland will show any convictions that have been committed in the UK
- In addition to the Basic Criminal Record Disclosure you must provide the Council with a criminal record disclosure from all countries outside the UK you have resided in from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you

9.2 Renewal Application

A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. There is normally no period of grace if a renewal is submitted after the expiry date. If you do not renew your licence on time you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option to renew for a licence that lasts for 1 year or 5 years.

To make a renewal application you must submit:

- Renewal application form
- Pay the appropriate renewal fee

10. Private Hire Operators Conditions

These conditions are attached to all Private Hire operator licences issued by Cotswold District Council.

10.1 Duration of Licence

The licence is issued for a period of 1 year or 5 years.

10.2 Convictions, Cautions and Fixed Penalties

If any person named on the Private Hire operator's licence gets any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Council in writing **within 48 hours**.

10.3 Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Annex 1.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

10.4 Change of Address or Details of Licence

Any person named on the Private Hire operator's licence must notify the Council in writing **within 7 days** if the information supplied in his/her application for a Private Hire operator's licence is altered for any reason including a change of address.

10.5 Responsibility for Drivers and Vehicles

A Private Hire operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to Private Hire vehicles and drivers.

10.6 Accepting Bookings

A Private Hire operator must not accept a booking unless the person making the booking knows the basis of the hire charge.

10.7 Records

A Private Hire operator must keep records of all bookings at their operator base in either a bound book or as a computer record which must include:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

- Any other comments such as details of sub-contract

A Private Hire operator must keep records of all Private Hire vehicles that he/she operates. This includes:

- The owner of the vehicle;
- The registration number and plate number;
- The driver of the vehicle and badge number.

All records should be kept for **6 months** from the date of the last entry.

Details of all bookings must be entered into the records immediately after they have been accepted or as soon as reasonably practicable.

An operator shall notify the Council in writing **within 7 days** of the termination of employment of a Private Hire vehicle or driver.

10.8 Advertising

A Private Hire operator must not use the words 'taxi' or 'cab' or any word of similar meaning or appearance to any of those words in any advertising of the operator's company except where an operator also makes licensed Hackney Carriages available.

10.9 Standard of Service

A Private Hire operator shall ensure that when a Private Hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

10.10 Location of Operator Base

The location where a Private Hire operator makes provision for taking a booking must be within the Council's boundaries. This may be an office address, business address or a home address.

10.11 Premises

If any rooms or areas are provided for the public for waiting or making bookings they must be clean, adequately heated and ventilated and lit and have adequate seating facilities.

If any rooms or areas are provided for use by the public the Private Hire operator must hold public liability insurance for those areas if relevant.

If premises are open to the public, applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the relevant council will approve an application for a private hire operator's licence.

10.12 Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

11. Private Hire Operators - Requirements under Legislation

11.1 Drivers and Vehicles

An operator must not use unlicensed drivers or vehicles.

An operator may only make use of drivers and vehicles licensed by the same Council that has issued the operator's licence.

11.2 Sub-Contracting

An operator may sub-contract a booking to another operator licensed with any Council. Both operators must keep a record of the booking. The contract and responsibility for the booking remains between the operator that took the booking and the client.

11.3 Records

An operator must make available records, on request, to an authorised officer of the Council or to a Police Officer.

11.4 Smoke Free Legislation

Private Hire vehicles and Hackney Carriages are 'Smoke Free' vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

Any enclosed premises that are used by the public, for example for making bookings or are used as a workplace, must be smoke free.

11.5 Equality Act

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

11.6 Bookings Made by Disabled Persons Accompanied by Assistance Dogs

A Private Hire operator may not refuse to take a booking by a disabled person if the reason for that refusal is because the person will be accompanied by an assistance dog.

A Private Hire operator may not make an additional charge to carry an assistance dog.

11.7 Planning Permission

The use of a premises for a Private Hire operators business may require planning permission. Operators are advised to check with the relevant Planning Authority.

11.8 Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a Premises Licence or Temporary Event Notice in accordance with the Licensing Act 2003.

11.9 Immigration Act 2016

Any person who does not have the right to work in the UK is disqualified from holding a Private Hire operator licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

17. ANNEXES

- 1. Criminal Convictions Policy**
- 2. Enforcement and Complaints**
- 3. Knowledge Test**
- 4. Intended Use Policy**
- 5. Policy guidelines for signage, advertising and other markings on licensed vehicles**
- 6. Service Delivery Timescales**
- 7. Table of delegations**
- 8. Copy of Gloucestershire's Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire**

ANNEX 1

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process

Criminal Convictions Policy

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
 17. A caution is regarded in exactly the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
 20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
 21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s,

vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm

- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
54. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

Criminal Convictions Policy

55. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

56. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.

57. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

58. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

MAJOR TRAFFIC OFFENCES

Paragraph 3(b) refers

AC10	Failing to stop after an accident.
AC20	Failing to give particulars or to report an accident within 24 hours.
AC30	Undefined accident offences.

Criminal Convictions Policy

BA10	Driving while disqualified due to care and attention.
BA20	Attempting to drive while disqualified by order of the court.
CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.
CD30	Driving without due care and attention or without reasonable consideration for other road users.
CD40	Causing death through careless driving when unfit through drink.
CD50	Causing death by careless driving when unfit through drugs.
CD60	Causing death by careless driving with alcohol level above the limit.
CD70	Causing death by driving then failing to supply a specimen for analysis.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink.
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
DR70	Failing to provide specimen for breath test.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of vehicle when unfit through drugs.
IN10	Using a vehicle uninsured against third party risks.
LC20	Driving otherwise than in accordance with a license.
LC30	Driving after making a false declaration about fitness when applying for a license.
LC40	Driving a vehicle having failed to notify a disability.
LC50	Driving after a license has been revoked or refused on medical grounds.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
UT50	Aggravated taking of a vehicle.

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

ANNEX 2

Enforcement and Complaints Policy & Procedure with effect from 1 October 2021 **Enforcement**

Cotswold District Council takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring the vehicle to Cotswold District Council Offices for inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview at Cotswold District Council Offices. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing department about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview at Cotswold District Council Offices in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Enforcement and Complaints

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Revocation of driver licence	<ul style="list-style-type: none"> • More than 6 penalty points on their DVLA driving licence
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by Business Support Service Leader	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending

Enforcement and Complaints

Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution major motoring offence, or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The panel will be 3 members of the Licensing Committee. The licence holder will be invited to attend the review and will be given reasonable notice. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take a anger management course, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

ANNEX 3

Hackney Carriage and Private Hire Drivers - Knowledge Test Guidance

All Hackney Carriage and Private Hire Driver applicants must pass a knowledge test.

The test is taken at Cotswold District Council's offices in a group sitting and you must bring your passport and Photocard Driving Licence with you for identification purposes. The passport will also be checked to ensure that you have the right to work in the UK. If you do not hold a passport you must bring additional documentation showing that you have the right to work in the UK.

The knowledge test is broken down into the following sections:

For Dual Drivers (Hackney Carriage and Private Hire):

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions
- 4) Routes
- 5) Places of interest

For Private Hire Drivers:

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions

Each section has 20 questions. You must achieve a pass mark of 80% (e.g. Dual Drivers 80/100 and Private Hire Drivers 48/60).

Questions about the Policy will be taken from the Policy. You should make sure that you have read this document before attempting to take the test.

The questions on the Highway Code are based on the national rules for safe driving.

Questions about places of interest in Cotswold District will include questions on pubs, clubs, hotels, supermarkets, public buildings, train stations, museums, schools and some of the main road names.

Questions about routes are those within the district that will require you to know the names and numbers of the main roads in the district. Questions about routes to locations outside the district will focus on major destinations such as airports, ferry ports and large sport and entertainment centres and will require knowledge of the major motorway network.

The maths questions will include simple calculations such as how much change to give a customer.

The knowledge test must be booked in advance. You will be allowed up to one and half hours to complete the test. You will be advised of your results by email within 5 days of the test date.

If you fail your test you will be allowed to retake it a second time. You must pay for the knowledge test each time you take the test.

Knowledge Test

A third resit is not permitted until a period of 6 months has lapsed.

If you pass, test papers are valid for 6 months, after which time you will need to retake the test.

ANNEX 4

Intended Use Policy for Licensing of Hackney Carriages (Hackney Carriage Vehicles)

The law permits a Hackney Carriage vehicle licensed by one local authority to be used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. In order to close this loophole, Cotswold District Council is likely to refuse to grant a Hackney Carriage vehicle licence where the applicant for that licence intends their Hackney Carriage vehicle to be used entirely or predominately for the purpose of fulfilling pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. (e.g. Cheltenham, Swindon or Stroud).

Intended Use Policy - The policy is for the following types of application:-

- New vehicle licence;
- Renewal of vehicle licence;
- Transfer of vehicle ownership;
- Change of vehicle;

New applicants wishing to licence a Hackney Carriage with Cotswold District Council will be required to make a statement on their application form about their intended use of the vehicle, i.e., whether the applicant intends the vehicle to be used.

(i) Exclusively or predominantly to ply for hire/or take advance bookings in the Cotswold District (that is determined as 80% of the time; the journey may finish outside of Cotswold District) – **Complies with policy**

(ii) Exclusively or predominantly (more than 20% of the time) operate taking pre booked journeys from operators outside of the Cotswold District – **fails to comply with policy, presumption of refusal**

Renewal of a Hackney Carriage vehicle licence

The driver or operator will need to maintain an accurate record of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. The record should contain:

- Name and address of the operator on behalf of which the journey was being undertaken; pick up point and destination date and time.
- Evidence of the number of days over the previous year they have plied for hire in the Cotswold District.

If the records maintained show the vehicle use fails to comply with the policy, (see (ii) above, there will be a presumption of refusal of renewal.

Existing Licence Holders

Where a licence has been granted under the terms that the applicant intends to ply for hire or trade to a material extent within the Cotswold District but is subsequently found not to be plying for hire to a material extent in the District and/or to be trading in another

Intended Use Policy

authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) will be referred to the Licensing Sub-Committee for determination.

Exceptional Circumstances

Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire or trade to a material extent within the Cotswold District will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

ANNEX 5

Policy guidelines for signage, advertising and other markings on licensed vehicles

Vehicle markings which comply with the following conditions do not require approval by the Licensing Officer:

Hackney Carriages: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

All signage, advertising and other markings which do not fall within the condition shown above **must be given the Council's prior approval**. Further details are as follows:

1. Third-party advertising (i.e. carrying adverts for companies other than the proprietor's own business) on licensed Hackney Carriage (HC) and Private Hire (PH) vehicles must have the prior approval of the Council's Licensing Sub-Committee. Applications should be made in writing including a pictorial representation of the proposals. A meeting of the Licensing Sub-Committee will then be arranged to consider the proposal. **No third-party advertising is permitted without the prior approval of the Licensing Sub-Committee.**
2. For further details about applying to the Sub-Committee for third-party advertising, please contact the Licensing Officer.
3. The Licensing Officer has the authority, on behalf of the Sub-Committee, to approve other signage and markings on vehicles, such as the name of the Hackney Carriage / Private Hire business, contact details, the services provided (e.g. "Airport Runs") etc. No such signage is permitted until the Licensing Officer has seen and approved the proposals.
4. In order to make an application to have such markings on a HC or PH vehicle, proprietors should submit their proposal in writing to the Licensing Officer, including a full description of the advertising they intend to have on the vehicle and a pictorial representation such as a sketch or a photograph of similar markings.
5. The HC / PH proprietor must ensure that any proposed signage, advertisements and markings do not breach advertising standards industry guidelines.
6. Advertisements must not be of a racial, sexual, political or religious nature and must not be discriminatory or offensive.
7. Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view and must conform to national legislation concerning the placing of such signs on vehicle windscreens.
8. Once the Licensing Officer has given written approval, the HC / PH proprietor may proceed with the advertising as submitted in the original proposal.
9. If the Licensing Officer deems the proposed signage, markings or advertising to be inappropriate, the request will be refused.
10. HC / PH proprietors may appeal to the Licensing Sub-Committee if their proposal has been refused.

ANNEX 6

Service Delivery Timescales for Hackney Carriage and Private Hire Applications

Type of application	Delivered to licence holder
Driver – New	5 days
Driver – Renewal	7 days
Vehicle – New	5 days
Vehicle – Renewal	7 days
Vehicle Transfer	1 working day
Customer query	5 days
Complaints	Initial response within 5 days
Serious allegation	Initial response within 1 working day

These timescales are based on a full and valid application being submitted. Any invalid applications will be returned to the applicant and may result in further delays.

Renewals should be submitted at least 7 days before the expiry date to guarantee that they are issued prior to expiry.

Annex 7 - Table of Delegations

<u>Matter to be dealt with</u>	<u>Full Committee</u>	<u>Sub-Committee</u>	<u>Licensing Officers</u>
<u>Full policy review</u>	<u>All cases</u>		
<u>Application for driver's licence, with no convictions</u>			<u>All cases</u>
<u>Application for driver's licence, with relevant convictions</u>		<u>Cases where referral for determination required, other than traffic offences</u>	<u>Cases in relation to traffic offences</u>
<u>Suspension of driver's licence (public safety)</u>		<u>All cases where referral for determination required</u>	
<u>Revocation of driver's licence (public safety, immigration)</u>		<u>Cases where referral for determination required</u>	<u>Cases where immediate effect required</u>
<u>Application for vehicle licence</u>			<u>All cases</u>
<u>Suspension of vehicle licence (public safety)</u>			<u>All cases with a reasonable cause</u>
<u>Revocation of vehicle licence (public safety)</u>		<u>Cases where referral for determination required</u>	<u>Cases where immediate effect required</u>
<u>Application for operator's licence</u>			<u>All cases</u>
<u>Application for operator's licence, with relevant convictions</u>		<u>All cases where referral for determination required</u>	
<u>Suspension of operator's licence (public safety)</u>		<u>All cases where referral for determination required</u>	
<u>Revocation of operator's licence (public safety)</u>		<u>Cases where referral for determination required</u>	<u>Cases where immediate effect required</u>
<u>Assistance dogs in taxis: exemption certificate request forms</u>			<u>All cases</u>
<u>Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.</u>			<u>All cases</u>

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a ['responsible organisation'](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

CONSULTATION

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

In light of the DfT statutory standards and requirements contained within it, the licensing authorities in Gloucestershire have collectively undertaken a review of their hackney carriage and private hire licensing policies. The result of this combined effort is the subject of this consultation. Working together, the licensing authorities in Gloucestershire have drafted proposed common licensing standards for the county based on the requirements in the statutory standards document.

We welcome feedback and comments on the draft common licensing standards outlined below ([“Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire”](#)).

Scope

The principal focus of this consultation is driver and private hire operator licensing.

Licensing matters not in scope of this consultation, as outlined below in the draft common standards, will remain unchanged by this consultation. This means that licensing matters relating to, for example, vehicle standards, are not included in the scope of this consultation and therefore in the common approach proposed at this stage.

The statutory standards do however include a number of other considerations such as CCTV in licensed vehicles and wider enforcement matters. Although not included in this consultation, the licensing authorities in Gloucestershire will, in due course, undertake further consultation on these matters.

Cheltenham Supplementary

Cheltenham Borough Council has included a supplementary consultation on a number of local policy issues. This supplementary is entirely separate from the substantive common licensing standards consultation.

Responding to the consultation

The consultation will be open **for 12 weeks from Tuesday 13 April 2021** to Tuesday 6 July 2021.

Each licensing authority in Gloucestershire will consult individually with its own licensed trade, Members and communities. In addition, Cheltenham Borough Council will host the consultation for wider stakeholders to be included in the consultation.

Local Consultation	
Local licensed trade	Individual Licensing Authority Link to consultations
Elected Members	Individual Licensing Authority Link to consultations

Parish Councils	Individual Licensing Authority Link to consultations
Local residents and communities	Individual Licensing Authority Link to consultations
Wider Consultation	
	Where to respond
Gloucestershire Constabulary	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire County Council - Integrated Transport Unit	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire County Council - Chair, Gloucestershire Economic Growth Scrutiny Committee	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire Children's Safeguarding Executive	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Neighbouring Authorities	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire Police & Crime Commissioner	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Any other responses	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Who else?	

Consultation responses must be submitted in writing either by email as outlined above or by post to

Common Taxi Standards Consultation
Cheltenham Borough Council Licensing
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Please include your full name, address and capacity (i.e. licence holder, local resident, elected Members etc.)

[Privacy Statement](#)

Please refer to the "[Licensing consultations privacy statement](#)" for more information on how we may process your personal information.

Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

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Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

[Licensee self-reporting](#)

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

[Complaints against licensees](#)

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

[Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

For Consultation

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Hackney Carriage & Private Hire vehicle proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

For Consultation

Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

For Consultation

Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases

Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
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For Consultation

Appendix B – Relevance of Convictions Policy

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
 17. A caution is regarded in exactly the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
 20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
 21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s, vehicle and operator’s) and it must be understood that any convictions or other actions on the part of the

licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent

- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked

38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adults
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
 - a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
 - a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.

- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

For Consultation

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog

- | | |
|--|---|
| | <ul style="list-style-type: none">• Exceeding the number of passengers on the plate |
|--|---|

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

1. Driver Medicals

Cheltenham Borough Council is proposing to amend the driver licensing medical requirement. At present, the policy requires a driver to obtain **full medical records from their own GP**. We are consulting on including an additional provision that would allow driver to option to obtain medical based on a 'summary of medical records' from a suitably qualified medical practitioner.

The current requirement goes against developing common practice on driver medicals. Based on clinical advice, all of the important medical information required to safely determine a candidate's fitness to drive is easy to review on a good computerised summary of medical records. This summary is easier to access and less time consuming for the driver, and is also less onerous for the surgeries dealing with these requests.

For Consultation

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

APRIL 2018



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General

Introduction

The Council has the responsibility to regulate and control all operators, drivers and vehicles used for carrying passengers for hire and reward within the Cotswold District under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

This document includes Cotswold District Council's Policy and Conditions with regard to Hackney Carriage (Taxis) and Private Hire licensing and will provide guidance to applicants, interested parties, Officers and Members on the approach the Council will take on Hackney Carriage and Private Hire licensing matters. Additionally, this document provides guidance on legislation and other issues that have an impact on Hackney Carriage and Private Hire licensing.

For the purposes of this document, Hackney Carriage vehicles will be referred to as Hackney Carriages.

Objectives

In setting out its Policy, the Council seeks to promote the following objectives:-

- a) Safety and health of drivers and the public;
- b) Vehicle safety, comfort and access;
- c) To prevent crime and disorder and protect the public.

Future Amendments to Policy and Conditions

All licences are granted subject to compliance with the Policies and Conditions contained within this document.

This document was approved by the Planning and Licensing Committee on 14 March 2018 and came into force on 1 April 2018.

This document may be amended and republished from time to time to take account of changes in legislation and minor amendments. However, any such changes or amendments that have significant impact on the Policies and Conditions in this document shall first be considered by the Planning and Licensing Committee for approval. Matters that would be considered significant include those that could have a financial or negative impact on licence holders or new applicants or that affect the convenience, safety or comfort of passengers.

General Differences between Hackney Carriages and Private Hire

There are two types of vehicle that carry fare paying passengers that are licensed by Cotswold District Council.

Hackney Carriages

- Can be flagged down and use designated ranks
- Can be pre-booked
- Hackney Carriages must have a meter and the maximum tariff (fare) is set by the Council.
- Hackney Carriages must display a roof sign

Private Hire

- Must be booked in advance of a journey.
- The booking must be made through a licensed Private Hire operator
- The fare is agreed in advance between the operator and the customer

Maximum Number of Passengers

The maximum number of passengers that a Hackney Carriage or Private Hire vehicle can be licensed to carry is 8.

Any vehicles used for hire and reward that carry more than 8 passengers must be licensed by the traffic commissioners as a public service vehicle <https://www.gov.uk/psv-operator-licences/overview>

Licences issued by Cotswold District Council

There are five types of Licence issued by Cotswold District Council.

1. Dual Drivers Licence

This is a licence that allows you to drive both Hackney Carriage and Private Hire vehicles. This licence is issued for 3 years.

2. Private Hire Drivers Licence

This licence allows you to drive a Private Hire vehicle only. This licence is issued for 3 years.

3. Private Hire Operators Licence

If you take bookings for a Private Hire business, you must hold a Private Hire operator's licence. This licence is issued for 1 or 5 years.

4. Hackney Carriage Vehicle Licence

You must have a Hackney Carriage vehicle licence for each Hackney Carriage you own. The licence will be granted for 1 year only.

5. Private Hire vehicle Licence

You must have a Private Hire vehicle licence for any vehicle that you use for Private Hire. A Private Hire vehicle must be operated under a Private Hire operator licence. The licence will be granted for 1 year only.

Application Forms

Application forms and associated documents are available from the Council's website www.cotswold.gov.uk

How can I pay?

- In Person - At the Council Offices at Trinity Road. There is an automated payment machine available during opening hours that will accept cash, debit/credit card payments or cheque.
- By Post - payment by cheque made payable to "Cotswold District Council" and sent to the Business Support (Licensing), Environmental and Regulatory Services, Trinity Road, Cirencester GL7 1PX
- By Telephone – Customer Services can be contacted on (01285) 623000 and the team will take card payment from you

Renewals

The Council does not have a legal obligation to notify you when your licence is due to expire.

Please ensure that you are aware of the expiry date and that you submit your renewal application at least 7 days before expiry to ensure that the application is processed in time.

Refunds

No refunds are issued for any Hackney Carriage and Private Hire licences.

Right of Appeal

With two exceptions there is a right of appeal to the Magistrates Court in relation to driver, vehicle and operators licences for the following:

- An application for a new licence, or renewal of a licence, is refused by the Council
- An existing licence is suspended or revoked by the Council
- Any conditions imposed on the licence

The appeal must be lodged within 21 days of the decision being notified to the applicant or licence holder.

The exceptions are:

- The right of appeal against the refusal to grant or renew a Hackney Carriage vehicle licence is to the Crown Court.
- Where the Council suspends a Hackney Carriage or Private Hire vehicle licence under section 68 (immediate suspension in a situation where, on inspection of the vehicle, the Police or Council are not satisfied to the fitness of the vehicle or accuracy of the meter) there is no right of appeal.

Hackney Carriage and Private Hire Drivers

I. Hackney Carriage and Private Hire Driver (Dual Driver) - Application Requirements

The following apply to Dual Driver Licences and Private Hire Driver Licences.

The dual driver licence permits you to drive both Hackney Carriages and Private Hire vehicles. The Private Hire driver licence permits you to drive a Private Hire vehicle only.

I.1 New Application

You must have held a full valid driving licence for at least 12 months authorising you to drive a motor car in the UK.

You must be 18 years of age or over.

An application cannot be granted unless the Council is satisfied that you are a 'fit and proper person' to hold a Hackney Carriage or Private Hire driver licence. There is no judicially approved test, however, when determining whether a driver is 'fit and proper', the Council will consider, amongst other things, the applicant's relevant skills, knowledge, experience, qualifications, conduct, medical fitness, criminal record and any previous history as a licence holder.

If you have criminal convictions you may wish to wait until the Council has considered your criminal conviction and DVLA conviction history before undertaking the medical or driver assessment as any fees incurred will not be refunded should the Council decide that you are not a 'fit and proper person' in relation to offences.

You are required to notify the Council of any convictions, cautions, fixed penalties received or any court cases pending during the application period (i.e. the time between the application being submitted and the licence being granted).

To make a new application you must submit the following (for information on how to obtain these please visit the driver application section of the website):

- **Application form**
- **Application fee**
- **Passport size photograph**, recently taken and clearly showing your full face uncovered, without sunglasses or hat
- **Valid DVLA driving licence**, authorising you to drive a motor car in the UK, showing your current home address
- **DVLA check code**
- **Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate** which is not more than 1 month old at time of application, or if you are registered with the DBS, provide the relevant information to allow Officers to make an on-line enhanced check of your current criminal record. If you are unable to provide either of the above you can make an application for a DBS Certificate through the Council. You will need to complete a DBS Enhanced Criminal Record application form, provide 3 forms of appropriate identity documentation and pay the relevant fee.

If your application is delayed you may be required to obtain a new DBS disclosure certificate if the date of the original certificate is more than 6 months old at the time of making a decision whether to grant the licence.

Convictions (whether spent or unspent) must be disclosed on your application form. Please see our convictions policy in Annex 2 for further details.

- **Satisfactory Group 2 medical certificate** completed by your own General Practitioner or a medical practitioner that has access to your medical records. A medical certificate will not be accepted if it is dated more than 4 months prior to submitting the application. All costs associated with the medical certificate are met by the applicant and paid direct to the medical practitioner.
- **Evidence of successful completion of a Driving Assessment** through Gloucestershire County Council. Assessment Certificates will not be accepted that are over 12 months old.
- **Evidence of successfully passing a Safeguarding Training Course** as specified by Cotswold District Council.
- **Evidence that you have passed a knowledge test.** The knowledge test is an examination held at the Council Offices. Please see Annex 3 for details about the Knowledge Test.
- **A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.** This will be at the knowledge test

Additional Application Requirements for Foreign Nationals and Persons That Have Resided Outside of England, Wales and Republic of Ireland

The Council must be satisfied that you are a 'fit and proper person'. The DBS Criminal Record Check covers England, Wales and Republic of Ireland. The Council needs to take account of any offences committed outside these countries. If you are a foreign national or are a person who has resided outside of England, Wales and The Republic of Ireland, you must provide the following:

- DBS Enhanced Criminal Record Disclosure Certificate as detailed in new application requirements (unless you have only just arrived in this country). The DBS Enhanced Criminal Record Disclosure will show any convictions that have been committed in the UK.
- Criminal record check from all countries outside of England, Wales and The Republic of Ireland you have resided in from the age of 18 or, if those countries do not produce such information, a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and, if in a foreign language, must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you.
- Driving Licence that permits you to drive in the UK for vocational purposes (driving as a job). If you hold an EC/EEA driving licence the Council will normally expect you to convert this to a GB driving licence prior to making your application.
- If your first language is not English you must have an adequate standard of spoken and written English and you may be required to pass an English proficiency test to demonstrate this. If the Licensing Officer has concerns, the applicant will be referred to the Licensing Sub-Committee to determine the application.

1.2 Renewal Application

A renewal application must be completed prior to the expiry date of your current Hackney Carriage and/or Private Hire driver licence. If you do not renew your licence before your licence expires you will become unlicensed. Any application received after expiry will be treated as a

new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option of applying for a 1 year or 3 year licence.

To make a renewal application you must submit:

- Renewal application form
- Fee
- Valid DVLA driving licence authorising you to drive a motor car in the UK showing your current home address
- DVLA check code

Renewals will not be processed if there are any DBS and medicals certificates outstanding.

2. Hackney Carriage & Private Hire Drivers (Dual Driver)- Cotswold District Council Policy

2.1 Duration of Licence

The Licence shall remain in force for a period of 3 years. The Council retains the right to only issue a licence for 1 year duration if appropriate.

2.2 Medical Criteria

You must provide a satisfactory Group 2 medical certificate completed by your own General Practitioner or a medical practitioner that has access to your medical records at the following times:

- On application
- Every five years between the ages of 45 – 65 years
- Every year from the age of 65

All costs associated with the medical certificate are met by the applicant.

A recent satisfactory Group 2 medical examination for a PCV or HGV may be acceptable as an appropriate medical. This is, however, at the discretion of the Licensing Officer and you **must** be able to provide sufficient evidence that the medical was completed by your own General Practitioner or a medical practitioner that has access to your medical records and the DVLA have determined you are fit to drive a PCV/HGV. This certificate must be no more than 4 months old.

The Group 2 standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of 'medical criteria' to obtain a licence to drive category C1 vehicles. The Council will apply those standards.

You **must** notify the Council immediately if you develop any health or medical issues that may affect your fitness as a driver. The Council may require you to produce medical evidence of continuing fitness to drive during the period of the licence.

The applicant will receive up to 3 reminders prior to the expiry of their medical. Reminder letters are sent via the post and generated at the beginning of the month which means that applicants will receive their first reminder between eight & twelve weeks prior to its expiry and further reminders at the beginning of each consecutive month until it's expiry. If a satisfactory medical is not received by the expiry date, the licence will be suspended the following working day.

2.3 Requirement to return Driver Badge

If you no longer intend to be a Hackney Carriage or Private Hire driver, or your badge is suspended or revoked, you must return your licence and badges to the Council **within 7 days**.

2.4 Notification of Changes

If you move house or change your name, or if any other details included on the application form change, you must write and let the Council know **within 7 days**. If you cease to work for a Hackney Carriage proprietor or Private Hire operator or change to work for another Hackney Carriage proprietor or Private Hire operator you must write and let the Council know **within 7 days**.

2.5 Convictions, Cautions and Fixed Penalties

If you get any convictions, cautions, fixed penalties or have a court case pending, you must write (or email) and let the Council know **within 7 working days**. If you are arrested you should let the Council know within **3 working days**.

2.5 DBS Check (Disclosure and Barring Service) criminal history

It is a requirement as a licensed driver to have a satisfactory criminal check (DBS) in place at all times.

The applicant will receive up to 3 reminders prior to the expiry of their DBS. Reminder letters are sent via the post and generated at the beginning of the month which means that applicants will receive their first reminder between eight & twelve weeks prior to its expiry and further reminders at the beginning of each consecutive month until it's expiry. If a satisfactory DBS is not received by the expiry date, the licence will be suspended the following working day.

It will be mandatory from 1 April 2018 for all licence holders sign up to the Online Update Service with the DBS so that the check remains active. A reference number must be provided to licensing to record on file. Please see the DBS website for further details. If the licence holder fails to sign up to this service on renewal of their DBS (or issue for new applicants), the licence will be suspended.

When the new DBS has been submitted, if there are previous convictions/cautions that have already been considered, no further action will be taken. If there are convictions/cautions that have been imposed since the last DBS that have not been declared by the licence holder, the licence will be suspended with immediate effect until a Licensing Sub-Committee can be held to determine the licence.

2.6 Code of Conduct

While working as a Hackney Carriage or Private Hire driver, you shall act in accordance with the following:

- Display your driver badge where it is easily visible
- Have a clean and tidy appearance in accordance with the Dress Code
- Behave in a polite and courteous manner
- Take reasonable precautions to ensure the comfort and safety of passengers at all times
- Attend punctually at the appointed time and place when hired
- If requested offer reasonable assistance with the loading and unloading of bags and luggage
- Offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination
- Unless otherwise directed by the hirer, should proceed to the destination by the shortest or most economical route

- Not eat or drink in the vehicle whilst working as a Hackney Carriage or Private Hire vehicle
- Comply with a passenger's request not to play any radio or other sound producing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- Not play any radio or other sound producing equipment in the vehicle so loud that it causes a noise nuisance to anyone inside or outside the Hackney Carriage or Private Hire vehicle
- Not carry animals in the vehicle whilst working as a Hackney Carriage or Private Hire except those carried in connection with the hiring of the vehicle. The driver has the discretion to decide whether he/she wants to take an animal belonging to a passenger in the vehicle, however, that animal may only be carried in the rear of the vehicle
- **Must carry a customer's guide, hearing or assistance dog** unless the driver holds an exemption on medical grounds
- Shall ensure that the vehicle is clean, tidy and free of rubbish and unnecessary personal belongings whilst being used to carry passengers
- Shall ensure that they comply with the Intended Use Policy at all times (see Annex 4)

2.7 Dress Code

The purpose of Cotswold District Council's driver dress code is to seek a standard of dress that portrays a positive image of the district; to enhance a professional image of the drivers licensed by the Council and to ensure that public and driver safety is not compromised. The Council expects all licensed drivers to be dressed in an appropriate manner whilst working as a Hackney Carriage or Private Hire driver.

Unacceptable standards of dress include:

- Dirty and ripped clothing
- Words or graphics on any clothing that is of an offensive or suggestive nature
- Beachwear
- Outdoor footwear for all drivers must be suitable. Flip flops and forms of footwear which are not secured around the heel are deemed unacceptable.

2.8 Lost Property

When a passenger is leaving your vehicle, you should check to make sure that no property has been left behind.

If a passenger does leave something in your vehicle you should take it to a local Police Station and get a receipt for it from the duty officer.

2.9 Safeguarding

There are well-publicised issues relating to child sexual exploitation and human trafficking that have occurred throughout the country. These are abhorrent crimes and the Hackney Carriage and Private Hire trade have a role to play in tackling this issue by acting as the 'eyes and ears' of the community to help identify and help those who are vulnerable or being exploited.

Cotswold District Council is working with the other Gloucestershire Licensing Authorities and the Gloucestershire Safeguarding Board to set up training for all Hackney Carriage and Private Hire drivers. Initially such training will be provided free of charge, however, at a later time a fee may be introduced which must be paid by the licence holder.

The Council expects that, if safeguarding training is available, that all licensed drivers undertake this training and no licences will be issued to new applicants without undertaking this training.

Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed.

There may be a requirement to undertake refresher training should legislation or best practice changes.

2.10 English Test – Drivers of licensed vehicles have to be able to communicate with their passengers, be able to understand instructions and requests and also be able to respond appropriately. It is therefore essential that drivers have a good understanding and command of the English language which is the predominant language used in the Cotswold District. If there are substantiated concerns, either at application or whilst licensed with us, the individual will be referred to the Licensing Sub-Committee.

3. Hackney Carriage & Private Hire Drivers (Dual Driver) - Requirements under Legislation

3.1 Equality Act 2010

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

3.2 Wheelchair Users

Under the Equality Act 2010, from 6 April 2017, drivers of Hackney Carriage and Private Hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of Section 165 of the Equality Act 2010, unless they have been issued with an exemption certificate.

Drivers must:

- carry the passenger while in a wheelchair
- not make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- give the passenger such mobility assistance as is reasonably required

Section 166 allows us to exempt drivers from the duties to assist passengers in wheelchairs if it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The licensing authority will also maintain a list of designated wheelchair accessible vehicles on its website.

3.3 Assistance Dogs

Under the Equality Act 2010, licensed drivers of Hackney Carriages and Private Hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so

It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

To ensure that the Equality Act 2010 is upheld, Cotswold District Council will have a zero tolerance policy to access refusals and will investigate all reported violations of the Act with a view to pursuing a conviction.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. The Council will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history. The notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.

3.4 Smoke Free Legislation

Under the Health Act 2006, Hackney Carriage and Private Hire vehicles are smoke free vehicles by law. This means that neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if you are driving a licensed vehicle without passengers you will be committing an offence if you smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed Hackney Carriage or Private Hire vehicles.

3.5 Immigration Act 2016

Any person who does not have the right to work in the UK is disqualified from holding a Hackney Carriage or Private Hire driver licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

Hackney Carriages and Private Hire vehicles

4. Vehicles - Application Requirements

4.1 New Application

To make an application you must submit the following:

- Application form
- Fee
- Vehicle registration document in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Meter Calibration Certificate. This applies to all Hackney Carriages. For Private Hire vehicles it only applies if a meter is fitted
- LOLER and weight test certificate (if applicable)

4.2 Renewal Application

A renewal application must be completed prior to the expiry date of the current Hackney Carriage vehicle licence. If you do not renew your licence before it expires your vehicle becomes unlicensed and should not be used for hire and reward. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

To make a renewal application you must submit:

- Application form
- Fee
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Hackney Carriage, Hackney Carriage or public hire. For Private Hire vehicles insurance will state Private Hire
- MOT certificate (unless the vehicle is less than 1 year old from registration date)

4.3 Transfer of Ownership Application

(Ownership of a licensed vehicle is transferred to another person(s)).

To make a transfer application the new owner must submit the following:

- Transfer application form
- Fee
- Proof of transfer of the licensed vehicle such as a registration certificate in the new owner's name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT (unless the vehicle is less than 1 year old from registration date)
- Written consent to transfer from previous licence holder

The existing licence plate will be valid for the remainder of the current licence. A new plate will not be issued.

4.4 Change of Vehicle Application

(A licensed vehicle is replaced with another vehicle either temporarily or permanently)

To make a change of vehicle application you must submit:

- Change of vehicle application form
- Fee
- Proof of ownership of the vehicle such as a registration certificate in your name or, if not available, a bill of sale, an invoice or a credit agreement
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate (unless the vehicle is less than 1 year old from registration date)
- Return any plates and discs previously issued by the Council

For permanent transfers, the licence holder can choose whether to be issued with a new plate for a full year or for the remainder of the current year.

For insurance companies providing vehicles temporarily, a new plate will be provided. The cost will be the same as a new licence. The application form should be completed by the insurance company.

4.5 Change of Registration of Vehicle Application

(The registration number of a licensed Hackney Carriage or Private Hire vehicle is changed eg personalised number plate)

To make a change of registration application you must submit:

- Change of registration application form
- Fee
- Documents from DVLA confirming change of registration
- Insurance certificate or cover note. For Hackney Carriages insurance certificate will state Taxi, Hackney Carriage, hire and reward or public hire. For Private Hire vehicles insurance will state Private Hire. This must also cover 'full passenger liability'
- MOT certificate showing new registration
- Return any plates and discs previously issued by the Council

5. Hackney Carriage and Private Hire vehicles - Cotswold District Council Policy

5.1 Vehicles

The vehicle shall be of a suitable size, type and design to be safe and comfortable for passengers.

The vehicle must be right hand drive.

Normally vehicles should be four door saloons; five door estates, multi purpose vehicles (people carriers), minibus or purpose built Hackney Carriages.

The vehicle must be constructed and the doors open sufficiently wide as to allow easy access in to and egress from the vehicle and cause no inconvenience to passengers.

A minibus, or similar type of vehicle, in addition to the driver's door, must have at least two other doors that provide adequate entry/egress to the vehicle for use by passengers. These doors must permit easy access for passengers entering and exiting the vehicle and be readily opened from inside the vehicle. They may consist of:

- Either two sliding doors, one to either side of the vehicle, or
- A door on the 'near side' of the vehicle and a door at the rear of the vehicle

The vehicle licence holder shall ensure that the vehicle and all fittings and seating are efficient, safe, tidy and clean.

The **outside of the vehicle** will be free from dents, rust or unrepaired accident damage and with even paintwork matching that applied by the manufacturer. This includes alloy wheels, hub caps and wheel trims.

The **inside of the vehicle** will be free of all visible stains, splits, and tears unless satisfactorily repaired or covered neatly. All carpets and mats will be fitted so as to not be a trip hazard.

A vehicle must not be structurally damaged or have been an insurance write-off, except where repaired and certified to the Council's satisfaction.

5.2 Age policy for vehicles

A new application for a Hackney Carriage or Private Hire vehicle licence will be refused if a vehicle is more than 5 years old from date of first registration.

An application to change the vehicle licensed as a Hackney Carriage or Private Hire vehicle will be refused if a vehicle is more than 5 years old from date of first registration.

An application to renew a Hackney Carriage or Private Hire vehicle will be refused if the vehicle is more than 15 years old from date of first registration. Existing vehicles will be permitted a 2 year period from the implementation of this policy to adhere to this requirement (1 April 2020).

Wheelchair accessible vehicles will be exempt from the above policy.

Licensing Officers have the discretion to licence a vehicle that does not meet the above age policy in the case of elite vehicles such as purpose built Hackney Carriage cab, Rolls Royce or similar

provided the vehicle is in excellent condition. Any such requests for licensing a vehicle should be made in writing by email.

Existing licence holders that have a vehicle over 15 years old at the time this policy is adopted will have a 2 year period to replace it with a vehicle that meets the age policy. After the 2 year period any renewal application for a vehicle that does not meet the age policy will be refused.

5.3 Converted Vehicles (including wheelchair accessible)

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- European Whole Vehicle Type approval (ECWVTA)
- UK Low volume approval (UKLVTA)
- UK Individual Vehicle Approval (IVA)
- Certificate of Initial Fitness (COIF)
- UK Voluntary Standard Individual Vehicle Approval

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

For vehicles that have been converted and currently licensed with Cotswold District Council, an IVA will be required by 1 April 2020.

5.4 Wheelchair Accessible Vehicles

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- The vehicle must be capable of accommodating a wheelchair user in a wheelchair so that the wheelchair faces forwards. The wheelchair must not be placed sideways
- Access to and egress from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- **Wheelchair internal anchorage** must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A **suitable restraint** must be available for the occupant of a wheelchair
- Access ramps or lifts to the vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off
- When deployed, **ramps must run flush** with the interior floor level
- Any **equipment fitted to the Hackney Carriage or Private Hire vehicle for lifting a wheelchair** into the vehicle must have been tested in accordance with the

requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times

5.5 Stretched Limousines

Hackney Carriages

Stretched Limousines are not permitted to be licensed as Hackney Carriage vehicles.

Private Hire vehicles

Stretched limousines are permitted to be licensed as Private Hire vehicles.

The vehicle may be left or right hand drive.

The vehicle will be licensed to carry no more than 8 passengers.

All limousines must have a UK single vehicle approval certificate issued by VOSA.

Any proprietor who wishes to license an American Stretched Limousine will need to prove the vehicle has been converted by an approved converter under the Ford, Quality Vehicle Modifier (QVM) programme or on the Cadillac, Cadillac Master Coachbuilders (CMC) programme. It is the responsibility of the proprietor to provide the evidence to support this.

Where any vehicle is 'stretched' within the European Union the proprietor must produce the appropriate 'Low Volume' or 'European Whole Vehicle Type Approval' certification identifying the converting company.

Each Private Hire Licensed Stretched Limousine shall be required to produce a new MOT certificate every 6 months. The MOT test should be carried out by a VOSA registered MOT testing station with facilities to accommodate such vehicles.

6. Hackney Carriage and Private Hire vehicles - Cotswold District Council Conditions

These conditions are attached to all Hackney Carriage and Private Hire vehicle licences issued by Cotswold District Council.

6.1 Vehicle Testing

All vehicles over 5 years old will be subject to obtaining a satisfactory MOT certificate every 6 months. It will be the licence holder's responsibility to ensure that this certificate is submitted to licensing in a timely manner. Any vehicle that does not comply with this requirement will be suspended.

6.2 Vehicle Plates

Hackney Carriages only - an external licence plate must be attached to the outside of the vehicle adjacent or near to the rear vehicle number plate and must be visible at all times that the licence is in force.

Hackney Carriages and Private Hire - an internal licence plate must be attached to the internal bottom passenger side corner of the front windscreen and must be visible from inside and outside the vehicle at all times that the licence is in force.

All plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired shall be returned to the Council **within 7 days** from the date of a notice served on the licence holder by the Council.

6.3 Roof Signs

Hackney Carriages

A roof sign must be displayed on the top of the vehicle clearly showing the word 'Taxi'. The sign shall be attached to the meter and shall be illuminated when the vehicle is available for hire. The design of the roof sign shall be approved by the Council. The following may be incorporated in the roof sign:

- the trade name or name of the proprietor;
- the telephone number, email address and/or website of the proprietor;
- the words 'For Hire' which are only illuminated when the licensed Hackney Carriage is available for hire;

The roof sign may be of any colour except blue, but must conform to national legislation and Road Vehicle Lighting Regulations in respect of the display of lights to the front and rear of any vehicle.

Any exceptions to this rule must be submitted to the Licensing Officer for consideration.

Private Hire vehicles

The displaying of signs on or above the roof of a Private Hire vehicle is permitted but can only consist of the company name, telephone number and must state pre-booking only. The words 'taxi', 'cab' or 'Hackney Carriage' are strictly prohibited.

Requests for roof signs on Private Hire vehicles must be approved by the Licensing Officer.

6.4 Fire Extinguisher

The vehicle licence holder shall ensure that an appropriate fire extinguisher is provided in the vehicle and is maintained in good working order and readily available for use in an emergency.

6.5 First Aid Kits

It is recommended that a First Aid Kit is carried in the vehicle.

6.6 CCTV

CCTV in vehicles is not currently a requirement.

If the licence holder chooses to install CCTV, they must be registered with the ICO.

CCTV systems must be operated in accordance with data protection legislation.

Any vehicle with CCTV that records inside the vehicle must display a sign advising passengers that a CCTV system is in operation in the vehicle.

Audio recording CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with a sound recording facility then this functionality should be disabled. There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Further information on CCTV and data protection can be found on the Information Commissioners' website at <https://ico.org.uk>

6.7 Tinted Windows

Vehicles will not be accepted that have tinted film on the windows, however, factory fitted tinted windows are permitted.

6.8 Luggage

All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.

Any roof racks, roof boxes and trailers to be used must be approved by a Licensing Officer. When using such equipment you should ensure that the luggage is safely secured.

6.9 Seatbelts

For each passenger carried in the licenced vehicle there shall be available a properly fitted, maintained and EU approved seatbelt as per the manufacturer's specification.

6.10 Meters

Hackney Carriages

All Hackney Carriages must have a meter.

For requirements relating to meters in Hackney Carriages please see Hackney Carriage Byelaws (see section 7).

A meter certificate issued by a meter fitter, approved by the meter supplier, will be required in the following cases:

- When a vehicle is first licensed
- If a meter is replaced
- A meter is moved to another licensed vehicle
- Cotswold District Council rates are changed
- At the request of a Licensing Officer where there is concern about the accuracy of the meter

Hackney Carriage meters may be tested for accuracy at the discretion of the Council.

Private Hire vehicles

A meter may be installed in a Private Hire vehicle, however, if installed, it must have a sign attached stating that 'This is a Private Hire vehicle' and clearly display the tariff to which the meter is set. The tariff set should not exceed the authorised tariff for Hackney Carriages set by the Council. A meter certificate certifying the meter has been calibrated accurately must be provided when the meter is installed, changed or moved to another vehicle.

6.11 Fares

Hackney Carriages

For a journey that wholly takes place within the controlled district the meter shall be running at no higher than the prescribed rate and the fare charged shall be the fare showing on the meter unless a fare is agreed with the passenger(s) prior to the commencement of the journey. Such an agreed fare shall not exceed the prescribed rate.

For a journey that either wholly or in part takes place outside the controlled area the fare or method of calculation of the fare shall be agreed with the passenger(s) prior to the commencement of the journey.

Private Hire

All journeys must be pre-booked. The fare must be agreed in advance with the customer or, if a meter is fitted, it must be agreed prior to the journey to use the meter.

6.12 Setting of fares

Upon receipt of a request to review the fares for the District, the licensing authority must conduct a review.

The request must be supported by independent operators and firms to ensure that the request is required by a combination of licence holders. As a rule, a request will not be accepted if there is less than 10% of the trade requesting it.

A request will only be entertained providing that there has been no other review within the past 12 months.

Once a request has been received, the licensing authority will ensure that the consultation commences within 3 months of receipt.

6.13 Advertising

A copy of the policy guidelines on signage, advertising and other vehicle signage is shown in Appendix 9. The requirements are detailed below:

For Hackney Carriage Vehicles

- a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.
- b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from licensing. No new markings or advertising can be displayed until the application has been approved.
- c) The Hackney Carriage company / proprietor's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.
- d) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.
- e) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.
- f) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

For Private Hire vehicles

- a) Vehicle markings which comply with the following condition do not require approval by the Licensing Officer: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 962mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.
- b) New vehicle markings which do not fall within the standard condition at (a) above must be given prior approval by the Licensing Officer. Applications should be made following procedures and guidelines which are available from the Licensing Team. No new markings or advertising can be displayed until the application has been approved.
- c) The Private Hire Operator's trade-name, telephone number, email address and/or website, may be displayed anywhere on the vehicle. The size, style and colours of the lettering are not restricted but must be approved by the Licensing Officer beforehand.
- d) The use of the following words, or derivatives of them, is PROHIBITED anywhere on a Private Hire vehicle: 'TAXI', 'CAB', 'HACKNEY CARRIAGE'
- e) Third-party advertising – for example sponsorship by a local company – may be allowed, but each application must be made in writing and will be decided by the Council's Licensing Sub-Committee. No such advertising may be used without the Licensing Sub-Committee's prior agreement.
- f) Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view, must conform with national legislation concerning the placing of such signs on vehicle windscreens, and must be approved by the Licensing Officer beforehand.
- g) Markings and advertising on the vehicle must not be of a racial, sexual, potentially offensive, political or religious nature, and any markings considered by the Licensing Officer to be inappropriate will not be permitted.

Approval of signage and advertising

All new signs, markings and advertisements must be approved by the Council. In the case of disagreement between the Licensing Officer and the applicant, the applicant may ask for the application to be considered by the Council's Licensing Sub-Committee.

7. Hackney Carriage Byelaws

These bye laws only apply to Hackney Carriages, they do not apply to Private Hire vehicles

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Cotswold District Council with respect to Hackney Carriages in the Cotswold District.

Interpretation

1. Throughout these bye laws "the Council" means the Cotswold District Council and "the district" means the area of Cotswold District Council.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed.

2. (a) The proprietor of the Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a Hackney Carriage shall:-

- i. not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided.

3. The proprietor of the Hackney Carriage shall:-

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be ready available for use; and
- (i) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.

4. The proprietor of the Hackney Carriage shall cause the same to be provided with the taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for hire of the carriage by the council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions conduct of the proprietors and drivers of Hackney Carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a Hackney Carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

7. A driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so to face in the same direction; and
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved.

8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any persons hiring or seeking to hire the carriage:-

- (a) convey a reasonable amount of luggage;
- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of the building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares.

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have accidentally be left therein.

17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed in to him:-

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave in the custody of the officer in charge of the office on his giving receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds scale and in the case of a continuing offence to a further fine not exceeding five pounds for each day running which the offence continues after conviction therefor.

Given under the Common Seal of the Cotswold District Council this 24th day of April 1987 in the presence of P.A. Cutts (Chairman) and D.Waring (Chief Executive).

The foregoing byelaw is hereby confirmed by the Secretary of State and shall come into operation on the 1st day of August 1987.

8. Hackney Carriage and Private Hire vehicles - Requirements under Legislation

8.1 Duration of Licence

The licence shall remain in force for a period of one year.

8.2 Number of Passengers permitted

A Hackney Carriage or Private Hire vehicle shall not be licensed to carry more than 8 passengers.

A Hackney Carriage or Private Hire vehicle shall not carry any more passengers than the number stated on the Hackney Carriage or Private Hire vehicle plate.

8.3 Hackney Carriage must be driven by a licensed Hackney Carriage Driver

Once a vehicle is licensed as a Hackney Carriage it can only be driven by a person holding a Hackney Carriage driver's licence issued by the same Council throughout the duration of that Hackney Carriage vehicle licence. This includes when the Hackney Carriage is being used for private use.

8.4 Private Hire vehicle must be operated by a licensed Private Hire Operator and driven by a licensed Private Hire Driver

A Private Hire vehicle must at all times be operated by a Private Hire operator licensed with the same Council.

Once a vehicle is licensed as a Private Hire vehicle it can only be driven by a person holding a Private Hire drivers licence issued by the same Council throughout the duration of that Private Hire vehicle licence. This includes when the Private Hire vehicle is being used for private use.

8.5 Private Hire vehicle must not look or be used like a Hackney Carriage

A Private Hire vehicle must not be or resemble a Hackney Carriage or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage. For example it should not resemble a London style Hackney Carriage.

A Private Hire vehicle must not display any sign that includes the word 'Taxi' or 'Cab' or 'For Hire' or any word of similar meaning or appearance to any of those words.

8.6 Plying for Hire – Hackney Carriages only

Plying for hire means waiting for passengers at a taxi rank or being flagged down in the street.

Hackney Carriages licensed by Cotswold District Council can only ply for hire within Cotswold District boundaries.

A Private Hire vehicle is not permitted to ply for hire.

8.7 Change of Address or Details of Licence

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council in writing **within 7 days** of any changes in the details of their licence including a change of address.

8.8 Notification of Accidents

A holder of a Hackney Carriage or Private Hire vehicle licence must notify the Council as soon as reasonably practical and **no longer than 72 hours** after any accident that causes damage affecting the safety, performance or appearance of a Hackney Carriage or Private Hire vehicle or the comfort and convenience of the passengers.

8.9 Smoke Free Legislation

Hackney Carriages and Private Hire vehicles are smoke free vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. Even if there are no passengers the driver cannot smoke in the vehicle.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

A 'No Smoking' sign must be displayed in each compartment in the vehicle which shows the international 'No Smoking' symbol (a minimum of 70 mm in diameter).

8.10 Seat Belt and Child Restraint legislation

The driver of a Hackney Carriage or Private Hire vehicle is responsible for ensuring that all passengers under the age of 14 are wearing the correct seat belts or restraints.

There is an exemption in legislation for Hackney Carriages and Private Hire vehicles regarding child restraints. If the correct size child restraints are not available in the vehicle then the following apply:

- Under 3s may travel unrestrained but in the rear seat only;
- Those 3 years and above in the rear seat must use an adult belt if the appropriate child seat or booster is not available;
- A child up to 12 years old or up to 135 cms in a front seat of any vehicle including Hackney Carriages must use the correct child seat or booster.

The driver of a Hackney Carriage or Private Hire vehicle is exempt from wearing a seatbelt whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire. However, as a matter of safety, the Council would advise that drivers do wear their seatbelts at all times and in particular when not carrying passengers.

8.11 Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a premises licence or temporary event notice in accordance with the Licensing Act 2003.

PRIVATE HIRE OPERATORS

9. Private Hire Operators - Application Requirements

9.1 New Applications

You have the option to apply for a licence that lasts for 1 year or 5 years. The application process is the same but the fee is higher for a 5 year licence.

To make an application, you must submit the following:

- Application form
- Fee
- Satisfy the Council that you are a 'fit and proper person'. You must provide a Standard DBS and provide appropriate identity documentation. (Where you have also submitted an application for a Hackney Carriage or Private Hire driver licence to the Council (and that application or licence is still current), the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Disclosure)

Additional New Application Requirements for Foreign Nationals and Persons That Have Resided Outside the UK

- Provide a Standard DBS as detailed in application requirements above (unless you have only just arrived in this country). The Standard DBS issued through DBS will show any convictions that have been committed in the UK
- In addition to the Basic DBS you must provide the Council with a criminal record disclosure from all countries outside the UK you have resided in from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Legation from all countries outside the UK that you have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs involved in such certificates and translations must be paid by you

9.2 Renewal Application

A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. There is normally no period of grace if a renewal is submitted after the expiry date. If you do not renew your licence on time you will become unlicensed. Any application received after expiry will be treated as a new application and all the requirements and fees of a new application will apply. **It is your responsibility to make sure you renew your licence.** To enable the service to process your application in time, it is advisable to submit this application at least 7 days prior to expiry.

You have the option to renew for a licence that lasts for 1 year or 5 years.

To make a renewal application you must:

- Submit renewal application form
- Pay the appropriate renewal fee

10. Private Hire Operators Conditions

These conditions are attached to all Private Hire operator licences issued by Cotswold District Council.

10.1 Duration of Licence

The licence is issued for a period of 1 year or 5 years.

10.2 Convictions, Cautions and Fixed Penalties

If any person named on the Private Hire operator's licence gets any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Council in writing **within 7 days**.

10.3 Change of Address or Details of Licence

Any person named on the Private Hire operator's licence must notify the Council in writing **within 7 days** if the information supplied in his/her application for a Private Hire operator's licence is altered for any reason including a change of address.

10.4 Responsibility for Drivers and Vehicles

A Private Hire operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to Private Hire vehicles and drivers.

10.5 Accepting Bookings

A Private Hire operator must not accept a booking unless the person making the booking knows the basis of the hire charge.

10.6 Records

A Private Hire operator must keep records of all bookings at their operator base in either a bound book or as a computer record which must include:

- The time and date of booking
- The name and address of person making the booking
- Name of passenger
- How the booking is made
- The time of the pick up
- Fare quoted
- The point of pick up
- The destination
- The driver that is allocated to the booking
- The plate number or registration of the vehicle allocated to the booking
- Any other comments such as details of sub-contract

A Private Hire operator must keep records of all Private Hire vehicles that he/she operates. This includes:

- The owner of the vehicle;
- The registration number and plate number;
- The driver of the vehicle and badge number.

All records should be kept for **6 months** from the date of the last entry.

Details of all bookings must be entered into the records immediately after they have been accepted or as soon as reasonably practicable.

An operator shall notify the Council in writing **within 7 days** of the termination of employment of a Private Hire vehicle or driver.

10.7 Advertising

A Private Hire operator must not use the words 'taxi' or 'cab' or any word of similar meaning or appearance to any of those words in any advertising of the operator's company except where an operator also makes licensed Hackney Carriages available.

10.8 Standard of Service

A Private Hire operator shall ensure that when a Private Hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

10.9 Location of Operator Base

The location where a Private Hire operator makes provision for taking a booking must be within the Council's boundaries. This may be an office address, business address or a home address.

10.10 Premises

If any rooms or areas are provided for the public for waiting or making bookings they must be clean, adequately heated and ventilated and lit and have adequate seating facilities.

If any rooms or areas are provided for use by the public the Private Hire operator must hold public liability insurance for those areas if relevant.

11. Private Hire Operators - Requirements under Legislation

11.1 Drivers and Vehicles

An operator must not use unlicensed drivers or vehicles.

An operator may only make use of drivers and vehicles licensed by the same Council that has issued the operator's licence.

11.2 Sub-Contracting

An operator may sub-contract a booking to another operator licensed with any Council. Both operators must keep a record of the booking. The contract and responsibility for the booking remains between the operator that took the booking and the client.

11.3 Records

An operator must make available records, on request, to an authorised officer of the Council or to a Police Officer.

11.4 Smoke Free Legislation

Private Hire vehicles and Hackney Carriages are 'Smoke Free' vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed.

Vaping and electronic cigarettes are also prohibited in licensed vehicles.

Any enclosed premises that are used by the public, for example for making bookings or are used as a workplace, must be smoke free.

11.5 Equality Act

The Equality Act 2010 makes it unlawful to discriminate, either directly or indirectly, against members of the public on the grounds of disability, gender reassignment, pregnancy and maternity, race, sex, sexual orientation, religion or belief.

11.6 Bookings Made by Disabled Persons Accompanied by Assistance Dogs

A Private Hire operator may not refuse to take a booking by a disabled person if the reason for that refusal is because the person will be accompanied by an assistance dog.

A Private Hire operator may not make an additional charge to carry an assistance dog.

11.7 Planning Permission

The use of a premises for a Private Hire operators business may require planning permission. Operators are advised to check with the relevant Planning Authority.

11.8 Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised by either a Premises Licence or Temporary Event Notice in accordance with the Licensing Act 2003.

11.9 Immigration Act 2016

Any person who does not have the right to work in the UK is disqualified from holding a Private Hire operator licence. The Council will need to see documentation to check that an applicant is not disqualified for reason of their immigration status.

17. ANNEXES

1. Criminal Convictions Policy
2. Enforcement and Complaint
3. Knowledge Test
4. Intended Use Policy
5. Policy guidelines for signage, advertising and other markings on licensed vehicles
6. Service Delivery Timescales

ANNEX I

POLICY ON CONVICTIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

1. Each case will be decided on its own merits.

The overriding consideration must be the safety of the public. The council has a duty to ensure so far as is possible that persons licensed to drive Hackney Carriage and Private Hire vehicles are fit and proper persons to do so.

This policy is merely a guide and the Sub-Committee can choose to determine contrarily to this document if there are good reasons to do so.

2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain:
 - (a) Free of convictions for an appropriate period, and
 - (b) Show evidence of good character from the time of the conviction. Simply remaining free of conviction does not necessarily provide sufficient evidence of good character.

Where an applicant was imprisoned for offences, they must demonstrate that they have been free of convictions and provide evidence of good character subsequent to their release from imprisonment.

Discretion would be appropriate where an offence is an isolated one and there are mitigating circumstances. Multiple offences or a series of offences over a period of time would give greater cause for concern and may give indications of a pattern of criminal behaviour which would need to be taken into account.

3. Under the Rehabilitation of Offenders Act 1974, offences by Hackney Carriage or Private Hire drivers are never 'spent'. However, if these offences are disclosed on the application form by the Applicant, then these would be considered 'spent'. The Licensing Officer will determine whether there is a risk to public safety based on the nature of the offence and the history of reoffending. If the Licensing Officer deems that there is a risk to public safety then the application will be determined by the Licensing Sub-Committee.

4. The following examples afford a general guide on the action to be taken where convictions are disclosed:

a) Minor Traffic Offences

Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, etc., should not prevent a person from proceeding with an application. However the number, type and frequency of the type of offence should be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Drivers Licence may be granted after its restoration but a warning should be issued as to future conduct.

b) Major Traffic Offences

An isolated conviction for a major traffic offence should normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and Private Hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(A list of those offences considered as major is attached).

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.

More than one conviction for this type of offence should raise grave doubts as to the applicants' fitness to hold a licence and, where disqualification has occurred, at least 3 years from the date of restoration of the drivers licence should have elapsed before the application is considered.

If there is any suggestion that the applicant is an alcoholic a special medical examination should be arranged and if the applicant is found to be an alcoholic there should be a period of at least 5 years from the completion of detoxification treatment before an application is entertained

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Sexual, Indecency and Child Protection Offences

A licence will not be granted to an applicant currently on the sex offenders' register.

Drivers of Hackney Carriage and Private Hire vehicle are often entrusted with the care of children, young persons and vulnerable adults. Therefore where there is a conviction for a sexual offence

that involves a child, young person or vulnerable adult, an application for a licence will be refused.

Applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will be refused a licence.

Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a period of at least 10 years free from any such conviction. If there is more than one such offence an application for a licence will be refused.

(f) Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. Depending on the seriousness of the offence at least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney Carriage drivers and Private Hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

(h) Licensing Offences

Any contravention of licensing laws or conditions, irrespective of whether or not these are related to Hackney Carriage or Private Hire licensing, are important as they suggest a disregard of the importance of those requirements. Depending on the nature and seriousness of the offence 1 to 3 years should have elapsed following conviction before an application is entertained. Further information regarding licensing offences whilst a licence holder, can be found in our enforcement policy (Annex 2).

(i) Offences of Discrimination

Offences of discrimination are a serious concern to all as they represent unacceptable treatment of certain sections of our society. A conviction for this type of offence should be taken extremely seriously. Each case would need to be assessed on an individual basis and although the applicant may not be debarred from receiving a licence a strict warning should always be given. On considering any case care should be taken before issuing a licence to assess if the applicant is deemed to be a 'fit and proper person' to hold a licence.

(j) Other Miscellaneous Offences

These could include local authority offences, bye law offences, nuisance offences etc. which although may not be directly relevant to Hackney Carriage and Private Hire licensing would demonstrate a feckless or irresponsible attitude and should not be discounted lightly. Each case would need to be assessed on an individual basis and although they may not necessarily debar an applicant from receiving a licence a strict warning should be given.

(k) Spent Convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that full consideration for determining the application cannot be given except by admitting or requiring evidence relating to that spent conviction.

(l) Cautions and Endorsable Fixed Penalties

For the purposes of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

MAJOR TRAFFIC OFFENCES

Paragraph 3(b) refers

AC10	Failing to stop after an accident.
AC20	Failing to give particulars or to report an accident within 24 hours.
AC30	Undefined accident offences.
BA10	Driving while disqualified due to care and attention.
BA20	Attempting to drive while disqualified by order of the court.
CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.
CD30	Driving without due care and attention or without reasonable consideration for other road users.
CD40	Causing death through careless driving when unfit through drink.
CD50	Causing death by careless driving when unfit through drugs.
CD60	Causing death by careless driving with alcohol level above the limit.
CD70	Causing death by driving then failing to supply a specimen for analysis.
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD80	Causing death by dangerous driving.
DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink.
DR30	Driving or attempting to drive then failing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink.
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
DR70	Failing to provide specimen for breath test.
DR80	Driving or attempting to drive when unfit through drugs.
DR90	In charge of vehicle when unfit through drugs.
IN10	Using a vehicle uninsured against third party risks.
LC20	Driving otherwise than in accordance with a licence.
LC30	Driving after making a false declaration about fitness when applying for a licence.
LC40	Driving a vehicle having failed to notify a disability.
LC50	Driving after a license has been revoked or refused on medical grounds.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
UT50	Aggravated taking of a vehicle.

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

ANNEX 2

Enforcement and Complaints – With Effect from 1 April 2018

Enforcement

Cotswold District Council takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring the vehicle to Cotswold District Council Offices for inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview at Cotswold District Council Offices. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing department about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing may request the licence holder to attend an interview at Cotswold District Council Offices in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public Immediate suspension of licence

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> • Breach, offence or complaint is proven to be false. • Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> • Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> • Complaint made by the public • Minor traffic offence • Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> • Smoking offences in a licensed vehicle
Immediate suspension of licence	<ul style="list-style-type: none"> • Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective • Suspension of driver licence (s 61 (2b) if in interest of public safety for example failing a medical or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<p>Suspension of of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory.</p>
Simple caution issued by Business Support Service Leader	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution major motoring offence, or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The panel will be 3 members of the Licensing Committee. The licence holder will be invited to attend the review and will be given reasonable notice, however, if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take an anger management course, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

ANNEX 3

Hackney Carriage and Private Hire Drivers - Knowledge Test Guidance

All Hackney Carriage and Private Hire Driver applicants must pass a knowledge test.

The test is taken at Cotswold District Council's offices in a group sitting and you must bring your passport and Photocard Driving Licence with you for identification purposes. The passport will also be checked to ensure that you have the right to work in the UK. If you do not hold a passport you must bring additional documentation showing that you have the right to work in the UK.

The knowledge test is broken down into the following sections:

For Dual Drivers (Hackney Carriage and Private Hire):

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions
- 4) Routes
- 5) Places of interest

For Private Hire Drivers:

- 1) Highway Code
- 2) Numeracy
- 3) Policy Questions

Each section has 20 questions. You must score at least 16/20 in each section and achieve a pass mark of 80% overall (e.g. Dual Drivers 80/100 and Private Hire Drivers 48/60).

Questions about the Policy will be taken from the Policy. You should make sure that you have read this document before attempting to take the test.

The questions on the Highway Code are based on the national rules for safe driving.

Questions about places of interest in Cotswold District will include questions on pubs, clubs, hotels, supermarkets, public buildings, train stations, museums, schools and some of the main road names.

Questions about routes are those within the district that will require you to know the names and numbers of the main roads in the district. Questions about routes to locations outside the district will focus on major destinations such as airports, ferry ports and large sport and entertainment centres and will require knowledge of the major motorway network.

The maths questions will include simple calculations such as how much change to give a customer.

The knowledge test must be booked in advance. You will be allowed up to one and half hours to complete the test. You will be advised of your results by email within 5 days of the test date.

If you fail your test you will be allowed to retake it. You must pay for the knowledge test each time you take the test.

If the test is failed twice, you will not be permitted to resit the test until a period of 6 months has lapsed.

If you pass, test papers are valid for 6 months, after which time you will need to retake the test.

ANNEX 4

Intended Use Policy for Licensing of Hackney Carriages (Hackney Carriage Vehicles)

The law permits a Hackney Carriage vehicle licensed by one local authority to be used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. In order to close this loophole, Cotswold District Council is likely to refuse to grant a Hackney Carriage vehicle licence where the applicant for that licence intends their Hackney Carriage vehicle to be used entirely or predominately for the purpose of fulfilling pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. (e.g. Cheltenham, Swindon or Stroud).

Intended Use Policy - The policy is for the following types of application:-

- New vehicle licence;
- Renewal of vehicle licence;
- Transfer of vehicle ownership;
- Change of vehicle;

New applicants wishing to licence a Hackney Carriage with Cotswold District Council will be required to make a statement on their application form about their intended use of the vehicle, i.e. whether the applicant intends the vehicle to be used.

- (i) Exclusively or predominantly to ply for hire/or take advance bookings in the Cotswold District (that is determined as 80% of the time; the journey may finish outside of Cotswold District) – **Complies with policy**
- (ii) Exclusively or predominantly (more than 20% of the time) operate taking pre booked journeys from operators outside of the Cotswold District – **fails to comply with policy, presumption of refusal**

Renewal of a Hackney Carriage vehicle licence

The driver or operator will need to maintain an accurate record of all uses of the vehicle when being used to fulfil pre-booked hiring's on behalf of a Private Hire operator licensed by another local authority. The record should contain:

- Name and address of the operator on behalf of which the journey was being undertaken; pick up point and destination date and time.
- Evidence of the number of days over the previous year they have plied for hire in the Cotswold District.

If the records maintained show the vehicle use fails to comply with the policy, (see (ii) above, there will be a presumption of refusal of renewal.

Existing Licence Holders

Where a licence has been granted under the terms that the applicant intends to ply for hire or trade to a material extent within the Cotswold District but is subsequently found not to be plying for hire to a material extent in the District and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) will be referred to the Licensing Sub-Committee for determination.

Exceptional Circumstances

Each application will be decided on its merits, however, the presumptions that intended use is to ply for hire or trade to a material extent within the Cotswold District will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

ANNEX 5

Policy guidelines for signage, advertising and other markings on licensed vehicles

Vehicle markings which comply with the following conditions do not require approval by the Licensing Officer:

Hackney Carriages: The proprietor's company name and/or telephone number may be displayed on a sign which measures not greater than 305mm (12 inches) by 305mm (12 inches) or 457mm (18 inches) width by 203mm (8 inches) depth. This sign must be affixed to the lower front door panels of the vehicle.

All signage, advertising and other markings which do not fall within the condition shown above **must be given the Council's prior approval.** Further details are as follows:

1. Third-party advertising (i.e. carrying adverts for companies other than the proprietor's own business) on licensed Hackney Carriage (HC) and Private Hire (PH) vehicles must have the prior approval of the Council's Licensing Sub-Committee. Applications should be made in writing including a pictorial representation of the proposals. A meeting of the Licensing Sub-Committee will then be arranged to consider the proposal. **No third-party advertising is permitted without the prior approval of the Licensing Sub-Committee.**

2. For further details about applying to the Sub-Committee for third-party advertising, please contact the Licensing Officer.

3. The Licensing Officer has the authority, on behalf of the Sub-Committee, to approve other signage and markings on vehicles, such as the name of the Hackney Carriage / Private Hire business, contact details, the services provided (e.g. "Airport Runs") etc. No such signage is permitted until the Licensing Officer has seen and approved the proposals.

4. In order to make an application to have such markings on a HC or PH vehicle, proprietors should submit their proposal in writing to the Licensing Officer, including a full description of the advertising they intend to have on the vehicle and a pictorial representation such as a sketch or a photograph of similar markings.

5. The HC / PH proprietor must ensure that any proposed signage, advertisements and markings do not breach advertising standards industry guidelines.

6. Advertisements must not be of a racial, sexual, political or religious nature and must not be discriminatory or offensive.

7. Lettering or signage on the windows and windscreens of the vehicle must not obscure the driver's view and must conform to national legislation concerning the placing of such signs on vehicle windscreens.

8. Once the Licensing Officer has given written approval, the HC / PH proprietor may proceed with the advertising as submitted in the original proposal.

9. If the Licensing Officer deems the proposed signage, markings or advertising to be inappropriate, the request will be refused.

10. HC / PH proprietors may appeal to the Licensing Sub-Committee if their proposal has been refused.

ANNEX 6

Service Delivery Timescales for Hackney Carriage and Private Hire Applications

Type of application	Delivered to licence holder
Driver – New	5 days
Driver – Renewal	7 days
Vehicle – New	5 days
Vehicle – Renewal	7 days
Vehicle Transfer	1 working day
Customer query	5 days
Complaints	Initial response within 5 days
Serious allegation	Initial response within 1 working day

These timescales are based on a full and valid application being submitted. Any invalid applications will be returned to the applicant and may result in further delays.

Renewals should be submitted at least 7 days before the expiry date to guarantee that they are issued prior to expiry.

This document can be produced in Braille, large print, audio tape and in other languages.

If you would like a copy in one of these formats, please phone the Print and Design Department on 01285 623215.

Consultation on Draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire 2021

Comparison between Cotswold District Councils current Taxi and Private Hire Policy and the Proposed Gloucestershire Common Standards

	Topic	Current	Proposal	Impact on licence holders
1	Joint Enforcement	Cotswold District Council officers can only enforce for breaches made by licence holders licensed with Cotswold District Council	Joint authorisation of enforcement officers of the licensing authorities that have adopted these common standards	Officers from all Gloucestershire authorities will be able to enforce for breaches against the common standards and taxi and private hire legislation by any Gloucestershire licence holders
2	Delegations for Decisions	The Service Leader is delegated to make all decisions on new applications and can suspend/revoke licences with immediate effect. Reviews of licences and revocation of a licences are dealt with by the Licensing Sub Committee.	Licensing Officers to be delegated to make all decisions on new applications except where there are relevant convictions. Officers to be able to suspend and revoke with immediate effect. A Licensing Sub-Committee will consider new applications with relevant convictions (except minor motoring convictions) and will continue to review existing licences where relevant	New applicants with relevant convictions will be able to present their case to a Licensing Sub-Committee. Officers will be able to take immediate action in cases where there is a public risk and there is not time to arrange a Licensing Sub-Committee
4	Frequency of DBS Enhanced Criminal Checks	On new application and then every three years on renewal	Every six months	<p>Provided drivers subscribe to the update service this should not have financial impact.</p> <p>The Council will use the Multiple Status Check Facility (MSCF) which allows you to run a check on all licence drivers automatically</p>

5	Time period for licence holders to notify the Council of arrest, charges and offences	7 working days for convictions, cautions, fixed penalties or court case pending. 3 working days if arrested.	48 hours for arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	No significant impact on licence holders
6	How to complain Signage in vehicles	Council contact details for complaint displayed on the rear of the internal vehicle disc displayed in front windscreen	Signage to be displayed in vehicles giving guidance for passengers and how to complain and displayed where it can easily be read. Failure to display could lead to suspension and a possible review of their licence.	Licence holders will need to display an additional sign in the vehicle. There will be a cost for the sign and a holder. Likely cost is £3 to £4. The sign will only need to be replaced if the vehicle is changed
7	Immediate suspension and revocation of licences	Where there are concerns that cannot wait until the next Licensing Sub-Committee the Service Leader can immediately suspend or revoke a licence but Officers cannot	Where there are concerns that cannot wait until the next Licensing Sub-Committee, Officers will be able to decide if immediate action is necessary including to suspend or revoke the licence.	This gives more flexibility for officers to take immediate action if there is a possible public risk
8	Mandatory Training	Safeguarding was mandatory for all existing driver licence holders in 2017	Existing licensees will be required to undertake refresher training every three years.	This is an additional cost and time commitment for existing licence holders Likely cost of the training will be between £50 and £70 The requirement for refresher training will be within 3 years of the policy being approved due to current economic climate (Autumn 2024)
9	Language proficiency	If an applicant's first language is not English they must have an adequate spoken and written standard and may be referred to a Licensing Sub-Committee if there are concerns	All new applicants must take an English Proficiency test unless they can provide an appropriate educational certificate for a qualification related to English. English language proficiency requirements will apply to new applicants from date of adoption of these standards	This places an additional criteria and possible cost for all new driver applicants if they do not have an appropriate educational certificate (Officers to have discretion) Likely cost of an English Proficiency Test is £60 - £70

			Discretion to refer an existing licence holder for an assessment on a case to case basis.	
10	Criminality checks for vehicle proprietors	No requirements for licensed vehicle proprietors to provide a criminal certificate	Licensed vehicle proprietors must provide an annual basic disclosure certificate from the DBS unless they are also a licensed driver.	Cost of basic DBS (£23) Currently there are no vehicle proprietors that do not hold a CDC drivers licence and subject to an enhanced DBS
11	Criminality checks for private hire vehicle operators	Licensed private hire operators must provide a basic disclosure check from the DBS every 5 years on renewal unless they are also a licensed driver	Licensed private hire operators must provide an annual basic disclosure check from the DBS unless they are also a licensed driver	Small impact as nearly all licensed operators licensed by Cotswold District Council also hold a driver licence
12	Private Hire Operator Booking and dispatch staff	No requirement for operators to make criminality checks on booking and dispatch staff	Private hire operators must have written policies and procedures in place to ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals and set out its approach on employing staff that are ex-offenders. Where a booking is outsourced the operator must ensure the third-party have adequate arrangements in place as outlined above.	Some impact on operators who must develop policies and procedures. Basic criminal conviction disclosure cost £23
13	Use of National Register of Refusals and Revocations (NR3)	Not currently a requirement	All new drivers and licence holders on renewal will be checked against the National Register to ensure that they have not been refused or revoked by another Licensing Authority (quite often this would be for grounds that are not included on a DBS certificate e.g. a failed medical)	The Council will be required to carry out all steps as included in the report to the Planning and Licensing Committee (10.03.21) This provides a more robust check on individuals and assists to safeguard the public

13	Convictions Policy	A current criminal convictions policy	An enhanced convictions policy that adds further conviction categories and extends some of the time scales applicants are expected to be clear of offences. It reflect the statutory standards - see separate conviction policy comparison table below	Existing licence holders may have convictions that fall in the timescales within the proposed policy. It is not reasonable that those licences should automatically be revoked. All existing licences will be considered in line with the new policy and where there is concern, they will be reviewed by a Licensing Sub-Committee
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Comparison Table for Convictions Policy

Suitability of new applicants is considered in relation to the period of time that has elapsed since the conviction or sentence. Offences are grouped in categories. This table shows a summary of the current and proposed policy

Offence Category	Cotswold District Council's current Conviction Policy	Common Gloucestershire standards based on Statutory standards
Exploitation	Not included	Never
Violence	3 years	All offences 10 years
Possession of Weapon	Not included	7 years
Sexual Offences	Offences categorised to either never or 10 years	Never
Dishonesty	3 to 5 years	7 years
Drugs	3 to 5 years	5 to 10 years
Discrimination	Not specifically included	7 years
Motoring convictions New Applicants	Minor – isolated should not prevent a person from holding a licence but the number, type and frequency should be taken into account. Major – an isolated conviction should normally merit a warning. More than one within the last 2 years should merit refusal and no further application should be considered for a period of 1 to 3 years from convictions lapsing.	One or more major – 10 years More than one minor – 3 years
Motoring convictions - current licence holders	Same as new applicant	Two minor or one major up to 6 points - licence holder to complete driving assessment More than 6 points referred to a subcommittee for revocation
Drink driving or under influence of drugs	(i) With Motor Vehicle An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for this type of offence should raise grave doubts as to the applicants' fitness to hold a licence and, where disqualification has occurred, at least 3 years from the date of restoration of the drivers licence should have	7 years since conviction or completion of any sentence or driving ban

	<p>elapsed before the application is considered.</p> <p>If there is any suggestion that the applicant is an alcoholic a special medical examination should be arranged and if the applicant is found to be an alcoholic there should be a period of at least 5 years from the completion of detoxification treatment before an application is entertained</p> <p>(ii) Not in Motor Vehicle An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above). In some cases, a warning may be sufficient.</p>	
Use of handheld device whilst driving	Not specifically included	5 years since conviction or completion of any sentence or driving ban
Hackney carriage or private hire offence	1 to 3 years	7 years

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



April 2018

 Institute of Licensing

Produced by the Institute of Licensing in partnership with:

 **LLG**
Lawyers in Local Government

 **NALEO**

 **Local Government Association**

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Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC
Cornerstone Barristers

April 2018

Chapter 1: Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications¹. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

¹ Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*².

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

² [2007] 1 WLR 2067

Chapter 2: Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.³ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm⁴. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

³ DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

⁴ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud⁵ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place⁶.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future⁷. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%⁸. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences⁹.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity¹⁰. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population¹¹. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

⁵ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁶ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁷ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

⁸ Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

⁹ Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

¹⁰ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹¹ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”¹².
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”¹³.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over¹⁴. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships¹⁵. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males¹⁶.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist¹⁷. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance¹⁸. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

¹² National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹³ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁴ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

¹⁵ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

¹⁶ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

¹⁷ Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

¹⁸ Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”¹⁹.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

¹⁹ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

Chapter 3: 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person²⁰.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK²¹.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.²²
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*²³. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’²⁴
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

²⁰ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

²¹ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

²² “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

²³ [2002] EWHC 1145 (Admin), [2003] RTR 199

²⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”²⁵

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments²⁶. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared²⁷) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker²⁸.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks²⁹ and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

²⁵ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

²⁶ See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

²⁷ “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

²⁸ See *Adamson v Waveney District Council* [1997] 2 All ER 898

²⁹ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability³⁰.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account³¹. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

³⁰ As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

³¹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority³². A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person³³.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”³⁴
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

³² See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

³³ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

³⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation³⁵. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence³⁶ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

³⁵ See s57(1)(c) of the 1976 Act.

³⁶ S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”³⁷

³⁷ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership³⁸) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

³⁸ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction³⁹. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁴⁰.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

³⁹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁴⁰ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Acknowledgements

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

The Institute is also grateful to others who have contributed to the work of the project group, including former probation officer Hannah Jones (now Housing Officer at Flintshire Council) who has assisted the group in providing the chapter on 'Offenders and Offending'.

This project has been further enhanced by invaluable contributions from the following individuals and organisations:

- Ellie Greenwood and Rebecca Johnson, Local Government Association
- Tim Briton, Lawyers in Local Government
- Ben Atrill
- Suzy Lamplugh Trust
- Councillor Richard Wright, North Kesteven District Council
- Professor of Criminology Fiona Measham, Durham University
- Councillor Philip Evans, Conwy County Borough Council
- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

Finally, grateful thanks go to all those who responded to the initial fact-finding survey and the subsequent consultation on the draft guidance.

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The Local Government Association (LGA) is the national voice of local government.
www.local.gov.uk



Lawyers in Local Government (LLG). www.lawyersinlocalgovernment.org



National Association of Licensing and Enforcement Officers (NALEO). www.naleo.org.uk

Responses to Consultation

Responses from County Consultation (conducted by Cheltenham Borough Council):

Mr Peter Hopper, Gloucestershire Constabulary – fully supports the County approach.

There were no further comments.

Responses from Cotswold District Council consultation:

A total of 5 responses were received.

Delegations for decisions	Officer Appraisal
All decisions must include agreement with an elected member elected member: no decision should be made solely by officers elected member	The DfT Statutory Standards state that Officers should have delegated powers to immediately revoke if they are concerns jeopardising public safety
Agree	
Support	

Frequency of DBS Checks (every 6 months)	Officer Appraisal
ok	
Quite happy with this as long as there is no extra cost.	No additional cost – this is covered by the mandatory requirement to be registered for the DBS online update service
Support	

Time period to report arrests, charges and offences (48 hours)	Officer Appraisal
ok	
Agree	
Support	

How to complain signage	Officer Appraisal
Should be prominently displayed	This is a requirement of the policy
I would not want any more signage in my vehicle.	The DfT Standards insist on this requirement in the interest of public safety
Why .. !	The DfT Standards insist on this requirement in the interest of public safety
Support	

Immediate suspension of licences to be delegated to Officer	Officer Appraisal
There must be endorsement from elected member	The majority of licence reviews would be referred to a Licensing Sub-Committee. In the interests of public safety where an immediate suspension or revocation is necessary the DfT Statutory Standards request the Office to have delegated powers
Agree	
The immediate suspension of licences to be delegated to Officers were not robust enough.	

Language Proficiency	Officer Appraisal
Drivers must display good command of English	
Strongly agree	
too late	
Support	

Safeguarding and Disability Awareness Training – suspension if failed/not attended	Officer Appraisal
Essential	
Agree	
Disagree / if a refresher course are required / should be able to complete via a online form /saving time and money	Online courses are being researched. At present, the course is at Cheltenham
Support	

Diabetes medical requirement	Officer Appraisal
Applicants with underlying health conditions must declare them upon application	
Agree	
Support	

DBS checks for vehicle proprietors	Officer Appraisal
Essential	
Agree	
already in place	Only if a licensed driver
Support	

DBS checks for Private Hire Operators	Officer Appraisal
Essential	
Agree	
Support	

DBS check for Private Hire Operator booking and dispatch staff	Officer Appraisal
Essential	
All dispatch staff regardless of private or public hire should be checked.	
why	To ensure that all staff's criminal background involved in the booking and carrying out of the journey are checked
Support	

Use of National Refusal and Revocation Register (NR3)	Officer Appraisal
Should be used	
Agree	
Support	

Revised Convictions Policy	Officer Appraisal
OK	
Agree	
Support	

Should CCTV should be made mandatory at a later date	Please provide any evidence you may have to support your view on CCTV being mandatory
Yes	Seems to provide more security for hirers
No	
No	Is this for PH and hackney !
Yes	The Parish Council supports the proposed standardised policy and, in particular, the proposal for CCTV to be installed in all vehicles in order to provide increased safety for passengers and drivers alike.
Yes	

Officer Appraisal regarding CCTV:

This was a general question to 'test the water'. A full study will be conducted at a later date.

PLANNING AND LICENSING COMMITTEE 8th September 2021

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 8th September 2021
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Cirencester	The Steadings Development Phase 1A Chesterton Wilkinson Road Cirencester Gloucestershire 20/04343/REM Approval of Reserved Matters	01
Preston	Ivor Webb And Sons Garage Cherry Tree Lane Cirencester Gloucestershire 21/00950/FUL Full Application	02
Chipping Campden	Haydons Bank Station Road Chipping Campden Gloucestershire 21/00736/FUL Full Application	03

Item No 01:-

20/04343/REM

**The Steadings Development Phase IA
Chesterton
Wilkinson Road
Cirencester
Gloucestershire**

Item No 01:-

Reserved Matters (Phase IA) pursuant to Outline permission 16/00054/OUT (mixed use development comprising demolition of existing buildings (as detailed on the submitted demolition plan) and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane) landscaping and associated supporting infrastructure to include vehicle access points from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road) for scale, layout, appearance and landscaping for the erection of 68 dwellings with associated open space and landscaping at The Steadings Development Phase IA Chesterton Wilkinson Road Cirencester Gloucestershire

Approval of Reserved Matters 20/04343/REM	
Applicant:	Harper Crewe (The Steadings) Ltd
Agent:	Savills
Case Officer:	Anthony Keown
Ward Member(s):	Councillor Gary Selwyn
Committee Date:	8th September 2021
RECOMMENDATION:	RESOLUTION TO APPROVE SUBJECT TO REVISIONS

Main Issues:

- (a) Layout
- (b) Landscaping
- (c) Appearance
- (d) Scale
- (e) Environmental performance

Reasons for Referral:

Consideration of this application is central to the overall delivery of the Local Plan's Strategic Site (Policy S2). Officers therefore consider that it is appropriate for this first phase Reserved Matters application of the Strategic Site development to be considered by the Planning and Licensing Committee.

I. Site Description:

- I.1 This application relates to a parcel of land between Somerford Road and Wilkinson Road, Cirencester. The land is currently used for grazing.

- 1.2 The site area is approximately 2.85 ha. It is part of the Strategic Site south of Chesterton (Policy S2), which is allocated for housing and employment, within the current Cotswold District Local Plan 2011 - 2031. An outline planning permission, which covers an overall area of approximately 120 ha, was granted in 2019 for development in accordance with Policy S2. That proposed development is now referred to as The Steadings. This application comprises the details of the first Reserved Matters land parcel (i.e. Phase 1a).
- 1.3 The Reserved Matters application site is bounded by allotments to the north, employment buildings to the east (part of the Love Lane Industrial Estate), and existing residential development along the opposite side of Somerford Road to the west. The land to the south, on the opposite side of Wilkinson Road, is currently undeveloped. It also forms part of The Steadings outline planning permission site, and is allocated for employment development.
- 1.4 The northern, southern, and western site edges are defined by existing hedgerows. The site itself is also subdivided by an existing hedgerow. The southern edge also has a line of trees, comprising a mix of lime, maples, whitebeam and ash. Most of these trees are Category B, but two are Category A in terms of quality (i.e. trees that are particularly good examples of their species). Most of the eastern edge is defined by a boundary fence between the site and the adjacent employment development. There is a short section of evergreen hedge along part of the eastern edge, in the north-eastern corner of the site.
- 1.5 Land slopes downwards gently from the north-western corner of the site to its southern edge along Wilkinson Road. Elevation ranges from around 122 m to 118 m AOD.
- 1.6 The different land uses that surround the site have very different characters. The existing residential area on the western side of Somerford Road is characterized by large, individual homes, set within generous plots behind a near continuous green wall of trees and hedgerows. The Love Lane Industrial Estate, to the east of the site, is a busy employment area. Not surprisingly it is characterized by an assortment of bulky commercial buildings, surface parking areas and signs.

2. Relevant Planning History:

- 2.1 On the 3rd of April 2019, the Council granted outline planning permission for a mixed-use development at the Strategic Site south of Chesterton, as per Local Plan Policy S2. That site is now referred to as The Steadings.
- 2.2 The description of development was as follows:

Demolition of existing buildings and the erection of up to 2,350 residential dwellings (including up to 100 units of student accommodation and 60 homes for the elderly), 9.1 hectares of employment land (B1, B2 and B8 uses), a primary school, a neighbourhood centre including A1, A2, A3, A4 and A5 uses as well as community facilities (including a health care facility D1), public open space, allotments, playing fields, pedestrian and cycle links (access points onto Tetbury Road, Somerford Road and Cranhams Lane) landscaping and associated supporting infrastructure to include vehicle access points from Tetbury Road, Spratsgate Lane, Wilkinson Road and Somerford Road.

- 2.3 Outline planning permission was granted subject to 69 planning conditions, following the completion of two section 106 agreements. Matters reserved for later consideration are appearance, landscaping, layout and scale.

3. Planning Policies:

National

National Planning Policy Framework (NPPF) - updated July 2021.

Planning practice guidance (PPG).

National Design Guide - October 2019.

National Model Design Code (Parts 1 and 2) - June 2021.

Cotswold District Local Plan 2011-2031

Policy S2 - Strategic Site, south of Chesterton, Cirencester.

Policy H1 - Housing Mix and Tenure to Meet Local Needs.

Policy H2 - Affordable Housing.

Policy EN1 - Built, Natural and Historic Environment.

Policy EN2 - Design of the Built and Natural Environment.

Policy EN4 - The Wider Natural and Historic Landscape.

Policy EN7 - Trees, Hedgerows and Woodlands.

Policy EN8 - Biodiversity and Geodiversity: Features, Habitats and Species.

Policy EN14 - Managing Flood Risk.

Policy EN15 - Pollution and Contaminated Land.

Policy INF1 - Infrastructure Delivery.

Policy INF4 - Highway Safety.

Policy INF5 - Parking Provision.

Policy INF7 - Green Infrastructure.

Policy INF8 - Water Management Infrastructure.

Cotswold District Council - Climate and Ecology

Climate Emergency Strategy 2020-2030

Ecological Emergency Action Plan

4. Observations of Consultees:

- 4.1 Summaries of all responses to consultation are included below. The responses are available in full on the Council's website.

- 4.2 The Officer's Assessment (see section 8 of this report) reflects a project team approach to the Council's design appraisal role. It incorporates specialist advice from the following internal consultees.

Biodiversity Officer.

Conservation and Design Officer.

Landscape Officer.

Tree Officer.

Strategic Manager (Housing).

- 4.3 The Council's Biodiversity Officer has also provided separate comments relating to great crested newts, which are reported below. The Biodiversity Officer's advice on all other aspects of the proposals is reflected in the Officer's Assessment.

Consultee responses to the original application proposals:

- 4.4 The comments below relate to the original application proposals. They were received in response to the first consultation exercise in March 2021, as follows.

Historic England:

We do not wish to offer any comments, but we suggest you seek the views of your specialist conservation and archaeological advisers, as relevant.

Archaeologist (Gloucestershire County Council):

The Written Scheme of Investigation (WSI) for Phase 1a satisfies our requirements.

Highways Officer (Gloucestershire County Council):

Gloucestershire County Council ("GCC"), the Highway Authority, acting in its role as Statutory Consultee, undertook a full assessment of the original reserved matters application proposals. Based on that assessment, the Highways Development Management Manager recommended that the application be refused. The justification for that recommendation was set out in a letter dated the 26th of April 2021, which is available in full on the Council's website.

In summary, the Highway Authority concluded that the original application proposals would not result in safe and suitable access for all users. As such, the proposals conflicted with the requirements of the Local Plan, Local Transport Plan, the NPPF, and local design guidance in Manual for Gloucestershire Streets (MfGS).

Contracts Monitoring Officer (Waste):

- i) The layout must ensure that refuse crews will not have to manoeuvre or carry waste containers further than 10 m.
- ii) Hedgerows should not affect visibility for refuse vehicles.
- iii) Road surfaces need to be designed and built to withstand weekly use by refuse collection vehicles.
- iv) Refuse collection vehicles must have unrestricted access to the internal street (Road E), to service properties along it.
- v) Pavements need to be wide enough to accommodate waste and recycling receptacles being presented for collection, without posing hazards to pedestrians, wheelchair users, or people with children in pushchairs.
- vi) Any on-street parking should not present manoeuvring problems for collection vehicles.
- vii) If dwellings are occupied prior to completion of the development, Ubico will require formal indemnity, until the streets are adopted by GCC. It would then be the developer's responsibility to rectify any damage.

Biodiversity Officer:

The comments below relate solely to great crested newts (“GCN”).

- i) Since the outline application was approved, additional information has come to light with regard to GCN. This mainly relates to the district licensing scheme, and the recent record of GCN at a pond within 500 metres of the site, which was not previously assessed.
- ii) The Ecological Mitigation and Management Framework (“EMMF”) Compliance Statement broad objective 6 states that no direct mitigation measures are proposed for this species due to a lack of suitable habitat and likely absence from the site. However, the application site lies within the red zone of the district licensing scheme’s modelled risk map, which indicates high suitability for GCN within the landscape around the site, and moderate suitability in the surrounding area (amber zone). The district licensing scheme was not up and running at the time of the outline planning application in 2016/17.
- iii) It also appears that the previous surveys carried out to inform the outline application did not include assessments of a pond to the north of the allotments (between 226 and 228 metres from the northern boundary hedgerow, located next to 20 Oaklands) and to the east near Siddington Primary School.
- iv) The pond next to the school is approximately 395 metres to the south-east of the Phase 1a application site, and falls within the red zone. A breeding population of GCN has been recently confirmed present at this pond as a result of surveys connected to another housing development in the area. An updated data search from GCER could possibly have identified this record and stimulated further assessment to inform the current reserved matters application at an earlier stage in the process.
- v) Best practice guidance identifies that survey results more than 12-18 months old should be updated. The GCN surveys were originally carried out in 2013 and 2015, so these are considered to be out-of-date, and the updated surveys in 2018 concentrated on one of the ponds that were previously surveyed.
- vi) In light of the presence of GCN in ponds within 500 metres that were not previously identified, one of which is known to contain breeding GCN, I recommend that further assessment is required. In particular, further assessment of the pond to the north of the site is required, in order to establish the potential to support this species. Consideration of the habitat connectivity between ponds should also be provided.

Environmental Regulatory Services (“ERS”) (Noise):

A scheme of mitigation should be implemented, including glazing performance requirements (27 dB RwCtr) and an MVHR system, for specified dwellings with a line of sight to specified premises within the adjacent employment development.

ERS (Contamination):

Agree with the conclusions of the Phase I Contamination Desk Study Report, which states that no significant contamination sources have been identified, and potential ground gas risks are low/very low. No further intrusive investigation works are required at this stage.

Sections A, B and C of condition 55 attached to the outline planning permission have been complied with for Phase 1a. However, Section D remains outstanding until construction works are undertaken.

Consultee responses to the revised application proposals:

- 4.5 The comments below relate to the revised application proposals. They were received in response to the second consultation exercise in July 2021, as follows.

ERS (Noise):

The previous noise assessment should be revisited, in light of the proposed revised layout. The dwellings should be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions). A planning condition could be imposed to secure the appropriate standards.

5. View of Town/Parish Council:

- 5.1 Cirencester Town Council Objected to the original application proposals on the following grounds.

- i) The accesses to and from the site onto the busy roads of Somerford Road and Wilkinson Road are not suitable.
- ii) With the increase in traffic, the junction at Somerford Road onto Chesterton Lane is too dangerous.
- iii) The increase in traffic will have an enormous effect on the road leading to the industrial estate, which is already busy and prone to large traffic queues.
- iv) With the importance of global warming and environmental sustainability, concerns were raised as to the lack of sustainable energy source.
- v) Parking issues on Somerford Road and Wilkinson Road.
- vi) There is no provision for a bus route.
- vii) Members noted the comments from Gloucestershire County Council Highways to recommend refusal, and the conflicts with the Local Plan, NPPF, Local Transport Plan, and Manual for Gloucestershire Streets.

- 5.2 Cirencester Town Council was also consulted on the revised proposals, but no further comments have been received at the time of writing this report.

6. Other Representations:

- 6.1 Five letters of Objection were received from third parties in relation to the original application proposals. The grounds for objection are described in summary below.

- i) The Council has failed to make public these proposals.
- ii) Objection to the layout, density, design and appearance of the proposed dwellings.
- iii) New developments should seek to protect and enhance the character of their surroundings. In terms of density and design, the proposals do not properly reflect the unique and individual aesthetics of exciting neighbouring properties in the area.

- iv) The proposed dwellings, which would face Somerford Road, do not reflect the standard of the existing individual houses on the opposite side of the street.
- v) The application material states that the site is also closely related to bus stops. There are no bus stops anywhere near this site. The nearest is around three quarters of a mile away, adjacent to the Somerford Road/Chesterton Lane junction. Perhaps the developer or Council could supply a photograph and map of these mythical bus stops.
- vi) Concerns about the Somerford Road and Cranhams Lane mini-roundabout at Elm Grove, have been ignored. During normal traffic conditions, before the pandemic, motorists emerging from Cranhams Lane found this a dangerous junction because of highly restrictive sightlines caused by the high wall outside Elm Grove. Accident debris here proves the point. This proposed development should not go ahead until the problems at this dangerous junction have been resolved.
- vii) With environmental sustainability so important, we are all being encouraged to use less energy or to obtain energy from more sustainable sources. The developer claims to be addressing the matter of sustainability. The proposals could go further, by ensuring all new dwellings produce as much of their own energy as possible, rather than drawing energy (principally electricity and gas) from outside sources. Such a measure would ensure more effective compliance with, in particular, Chapter Two of the NPPF.
- viii) This could be largely achieved if all individual new dwellings and blocks of apartments had air/ground source heat pumps and energy-gathering roof coverings; e.g. photovoltaic tiles. This is an excellent opportunity for the Council to stipulate that the developer should install these measures in all buildings on this development.
- ix) It will be more cost-effective to have this equipment installed during initial construction, rather than residents retrospectively installing it, as they will be encouraged to do in the future. It also presents an opportunity to make a positive step towards self-sufficiency and better use of energy.
- x) It is surprising that the planning authority has not already adopted a policy to have such equipment installed in all new dwellings and commercial buildings. The developer should be asked to re-visit this aspect of its development.
- xi) The design and access statement states that "*The built environment will strike a successful balance between variety and harmony. As in the best historic townscapes the scale, massing and detailing of particular buildings will respond to the character and role of the street they address.*" The Somerford Road comprises large individual houses set within substantial gardens. The seven proposed new houses with access on to the Somerford Road are identical square boxes, each set equidistant from the road with small gardens. There is little harmony in the identical houses, and the only variety is the barely noticeable variation in size. They do not reflect visually or respond to the character and the role of the street they address. Sadly, an uninspiring legacy for Cirencester.

6.2 Two letters of Objection have been received from third parties in relation to the revised application proposals. The grounds for objection are described in summary below.

- i) In light of recent Met Office and other publications related to climate change, it is noteworthy that there are no proposals for carbon-neutral heating for these 68 dwellings. Bearing in mind that the residential care home built in Somerford Road some ten years ago was constructed with geothermal heating, the Council should require BDL, and all other developers of new homes in the Cotswolds, to install carbon-neutral heating.
- ii) The plot numbers have changed, making it difficult to compare designs without referring back to the original layout and the previous number each dwelling was given.
- iii) The proposed dwellings, which would face the Somerford Road, have been reduced in size, and a number of them have been scaled down from five-bedroom to four-bedroom house types. These dwellings should reflect the large houses on the opposite side of the street. Each one should be individual, with a larger footprint and a bigger plot. They should be houses people aspire to.
- iv) The street scene has been drawn without any of the existing hedgerows. It would be easier to visualise the impact on Somerford Road if the hedges were included on these drawings. It would also act as a reference for later if they are removed for any reason.

7. Applicant's supporting information:

- 7.1 Following a period of negotiations, the Applicant's team formally submitted revised application material on the 22nd of July. All of the revised material is available to view on the Council's website.
- 7.2 The covering letter from the Applicant's planning consultant lists out the updated information and the key changes. Those sections of the covering letter are included below.

The updated pack of information includes:

- a) site layout plan;
- b) accommodation schedule;
- c) affordable housing plan;
- d) materials and boundary treatments;
- e) tracking plan;
- f) parking strategy plan (now on the site layout plan);
- g) refuse strategy plan;
- h) adoption plan;
- i) electric Vehicle (EV) charging points;
- j) plans and elevations for house types and other buildings;
- k) street elevations;
- l) landscape masterplan;
- m) detailed landscape plans;

- n) updated Landscape Design Statement;
- o) updated Design and Access Statement (DAS);
- p) tracking information;
- q) updated Landscape, Ecology and Arboricultural Management and Monitoring Plan (LEAMMP); and
- r) biodiversity net gain calculation.

The key changes identified in the updated scheme are:

- a) reduction in the number of dwellings from 74 to 68;
- b) provision of an ecology corridor along the northern boundary;
- c) widening of the eastern buffer zone;
- d) omission of Road F;
- e) various internal layout changes to address highways comments and relationships between dwellings;
- f) clarification on biodiversity net gain and the relationship with the wider scheme;
- g) refinement of buildings designs; and,
- h) alteration of the mix of dwellings provided.

7.3 The Applicant's team submitted some further information on the 12th of August. That information is also available to view on the Council's website. It includes a summary of the benefits, which the Applicant considers would arise from the proposed scheme.

8. Officer's Assessment:

The scheme in summary

8.1 This Reserved Matters application seeks approval for a scheme of 68 dwellings with associated areas of green infrastructure. It comprises a mix of dwelling types, including detached, semi-detached and terraced houses, and apartments. Most of the proposed building types have two storeys, but a small number have two and a half storeys. The latter are deployed as focal buildings, to the eastern side of the central green space. All of the proposed dwellings meet the Nationally Described Space Standards ("NDDS"), and the majority exceed these standards. All ridge heights are below 11 m, as required by the DDC.

8.2 There are three proposed vehicular access points to the site, which already have approval. There are also two other access points for pedestrians and cyclists. Car Parking provision is in accordance with the CDC local parking standards, and has been calculated using the CDC Parking Toolkit. A number of parking solutions are used, including on-plot spaces and garages, car barns, and on-street spaces. A total of 162 parking spaces are proposed, to include 132 allocated spaces for dwellings plus 22 garages. A further 8 visitor spaces are also provided. All apartments are provided with 2 covered bicycle spaces in communal stores. For houses, bicycles can be stored within private gardens or garages.

The development plan

- 8.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* The starting point for the determination of this application is therefore the current development plan for the District, which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Interpreting the relevant Local Plan policies

- 8.4 As indicated earlier in this report, the site in question forms part of the Strategic Site, south of Chesterton. The Inspector appointed by the Secretary of State to examine the Local Plan gave careful consideration to this strategic allocation. He concluded that *“Policy S2, the Chesterton Vision and Objectives included as Appendix B, and various other policies in the Plan provide an effective framework to ensure that the design, layout, landscaping and access arrangements for the site are all of an appropriate quality such that development of the scale and type proposed could be achieved in a satisfactory manner.”* The framework described by the Inspector is referred to hereinafter as *“the Local Plan Framework.”*
- 8.5 Case law has established that when planning decisions are made, the policies of the local plan must always be properly understood and lawfully applied (e.g. *Corbett v Cornwall Council* [2020]).

Interpreting relevant policies depends on a sensible reading of their language, bearing in mind the importance of the policy to the overall objectives of the development plan.

- 8.6 Policy S2 allocates the Strategic Site for *“...a sustainable, high-quality, mixed-used development, including up to 2,350 dwellings...”* The Chesterton Vision and Objectives elaborate on Policy S2. The Vision describes (among other things) how the development *“will promote innovation in residential, commercial and infrastructure design with a view to achieving more sustainable ways of living and a place that is future-proof.”* Officers consider that a reasonable person, taking the Local Plan Framework as a whole, would read *“...sustainable, high-quality...”* to mean development that adheres to very high standards of urban and landscape design, architecture, construction, and environmental performance.
- 8.7 The NPPF reminds us that planning policies can become out-of-date. Case law tells us that the passage of time in itself is not sufficient to result in a policy becoming out-of-date. The critical question is whether or not the passage of time has led to the policy being overtaken by events (*Peel*

Investments v Secretary of State for Housing, Communities and Local Government [2019]). Planning policies typically set out broad principles, as is the case with Policy S2. The tests for whether or not those principles are met may well evolve over the Plan period. It follows that when decision-makers interpret and apply relevant policies, they need to be cognizant of current events. Since the Local Plan was adopted the Government has published the National Design Guide (October 2019), the National

Model Design Code (July 2021), and the updated NPPF (July 2021). These documents set new tests for gauging design quality. Similarly, the government's plans for tightening the Building Regulations will reset the baseline for statutory minimum building performance standards.

- 8.8 The NPPF makes it clear that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Policy S2 is entirely consistent with the NPPF in this regard. The NPPF also reminds us that being clear about design expectations, and how these will be tested, is essential for achieving successful outcomes (NPPF page 38, par 126). Officers have engaged in lengthy design discussions with HarperCrewe ("HC"), the Applicant. Officers have made clear from the outset that the Council expects development at The Steadings to adhere to very high standards of urban and landscape design, architecture, construction, and environmental performance.
- 8.9 The challenges should not be underestimated. There is no shortage of evidence to demonstrate that many new developments are failing to meet design expectations. For example, in 2019 Place Alliance published the findings from an audit of new housing developments across England. Of the 142 developments examined, only 7% were rated Very Good. The vast majority, 74%, were rated Mediocre, Poor, or Very Poor. In 2019 the Climate Change Committee ("the CCC") described how many new homes are being built to minimum standards for water and energy efficiency; e.g. just 1% of new homes in 2018 were Energy Performance Certificate ("EPC") band A. There is also evidence of a disconnect between EPC bands and actual energy consumption. Moreover, we cannot be certain that new homes are always built to meet even the minimum standards. The 2018 Hackitt Review highlighted fundamental problems with the application of Building Regulations, including inadequate regulatory oversight and enforcement. Poor compliance contributes to what is often a significant performance gap between the predicted and actual environmental performance of new homes. In July 2016 the All-Party Parliamentary Group for Excellence in the Built Environment published a report on the quality and workmanship of new housing in England, which revealed high levels of frustration and disappointment among buyers of new homes, relating to the number of defects on handover, and to the problems they encountered on getting them fixed.
- 8.10 Proposals that adhere to very high standards of urban and landscape design, architecture, construction, and environmental performance, would include effective measures to address all of the challenges above. Conversely, proposals that fail to satisfactorily address these challenges are extremely unlikely to result in sustainable, high-quality development. Officers therefore consider that such proposals would not accord with the Local Plan Framework, including Policy S2.

The master planning process for The Steadings

- 8.11 To ensure successful implementation of the Local Plan Framework, a master planning regime has been established for The Steadings. Key components of that regime are described in summary below.
- 1) The Framework Master Plan, endorsed by the Council prior to submission of the outline planning application ("the OPP").

- 2) The design framework established by the OPP, including: the approved drawings and documents; the section 106 agreements; material approved pursuant to conditions; and material that supported the outline planning application (hereinafter referred to as “the Outline Framework”).
 - 3) The Steadings Site-Wide Design Code, approved by the Council pursuant to condition 9 attached to the OPP (hereinafter referred to as “the SWDC”).
 - 4) Detailed Design Codes for sub-areas of The Steadings, which are required pursuant to condition 10 attached to the OPP (hereinafter referred to as “the DDC”).
- 8.12 As described above, the master planning process includes a two-tier approach to design coding, which has been established by planning conditions attached to the OPP. The first tier is the overarching SWDC, which will be supplemented by a series of more prescriptive Detailed Design Codes for sub-areas. The design coding context for this reserved matters application is described in more detail below.

Scope of this application

- 8.13 On the 3rd of April 2019, the Council granted outline planning permission for a mixed-use settlement extension at The Steadings (“hereinafter referred to as the Development”).
- 8.14 This application seeks approval of reserved matters relating to Phase 1a of the Development. In this case the principle of development is established by the OPP. The Council and the Applicant have therefore moved beyond the question of whether any development of the type proposed may be acceptable, to the question of what form it should take.
- 8.15 The reserved matters are appearance, landscaping, layout and scale. They have been considered within the context of national and local planning policies and priorities, and specifically within the context of the design hierarchy for The Steadings.

The design codes

- 8.16 The SWDC and a DDC for Phase 1a were approved by the Council on the 17th of March 2021. The SWDC and the DCC are to be read in conjunction with the Outline Framework. The Cotswold Design Code is also applicable to The Steadings, being part of the Local Plan. On matters of design, it takes precedence over the SWDC and the DCC.
- 8.17 The SWDC describes how Bathurst Development Limited (“BDL”) is the Master Developer for The Steadings. It confirms that BDL is committed to providing a high-quality development, which meets the needs of the local community, Cirencester, and the District. BDL has therefore developed a series of Legacy Recitals relating to: sustainability; master planning; design; and community and construction. BDL describes these as general principles, which it aspires to adhere to. BDL will continually review and evaluate its Legacy Recitals in response to changing technologies and markets, as The Steadings is developed.

- 8.18 The SWDC describes the intended architectural character for The Steadings, which reflects the Local Plan Framework. The Development is expected to be more contemporary in style, reflecting the qualities of traditional architecture of the area, including materials, proportions and roof forms, to ensure local distinctiveness. Buildings should also utilize new technologies and best practice to address the environmental and social concerns of today (see paragraph 8.6 above).
- 8.19 The DDC stipulates a mix of family housing at Phase 1a, at a comfortable density of up to 30 dwellings per hectare. Proposals should be based on a broad mix of dwelling types including terraces, semi-detached and detached dwellings. This to help create interest and variety, within an environment unified by consistent characteristics, materials (architecture and public realm), detailing and landscape.
- 8.20 The DDC does not specify a net developable area for Phase 1a. This is a matter to be determined through this reserved matters application. The Master Developer's assessment of likely site capacity (i.e. expressed in dwelling numbers) has evolved during the design coding process. The June 2019 draft of the DCC allowed for up to 70 dwellings. The approved DCC allows for up to 75 dwellings. This uplift was noted, but officers did not consider it problematical in principle. Key considerations for officers are the proposed mix and types of dwellings, which affect the built footprint of any proposed scheme.
- 8.21 The DDC describes how Phase 1a has an important frontage to Somerford Road, where it forms a key interface with the community to the west. A suburban character is proposed for this frontage, with larger detached dwellings set back from the road and screened by landscape. The DDC proposes that the development will reinforce existing green infrastructure corridors alongside the roads, thereby enhancing the semi-rural character of development. The opportunities to keep most of the existing trees that currently form the southern boundary, and the existing hedgerow along Somerford Road are highlighted. An informal Secondary Green Infrastructure Area (as defined in the section 106 agreement) within the layout is proposed, as per the Outline Framework. A Local Area for Play (LAP) will be provided, and will form the focus for this green space. Additional areas of green space will be provided in the south-western corner of the site and along the eastern edge.
- 8.22 The DDC describes how longer tertiary streets will be tree-lined on one side, and could contain areas of on-street parking. Shorter streets will also include street trees, informally arranged.
- 8.23 The relationship between the site and the Love Lane Industrial Estate to the east is highlighted in the DDC (identified as a green Rural Link on the Outline Framework). Three substantial industrial buildings are situated immediately adjacent to the eastern boundary of Phase 1a. The June 2019 draft of the DCC included a mandatory requirement, which stipulated that a *“green corridor with a minimum depth of 10 m will be provided as a landscape buffer to Love Lane Industrial Estate on the eastern edge of the residential parcel.”* This commitment was weakened in the final version of the DCC. Officers proposed reintroducing the original commitment, but it became clear that this would not be agreed by the Master Developer. In the interests of making progress, the parties agreed to disagree on this matter. Officers were mindful that the minimum area for this green Rural Link is shown on the Parameter Plans in any case. Moreover,

it is entirely reasonable for the Council to reach its own conclusions on what constitutes effective landscaping for this boundary, irrespective of any minimum requirements in the design codes.

Officers' conclusions on the original application proposals

- 8.24 The Applicant sought pre-application advice from officers, which was provided in a note dated the 8th of June 2020 (hereinafter referred to as “our pre-application note”). During subsequent discussions the Applicant proposed some modest changes to the proposals, in an attempt to resolve at least some of the concerns. Following those discussions, officers provided the Applicant’s team with a summary list of the unresolved issues on the 15th of September 2020. The application was submitted on the 17th of November 2020 and validated on the 18th of March 2021.
- 8.25 Having undertaken a thorough assessment of the original application proposals, officers reached the conclusion that they were unacceptable. The reasons are described in summary below.
- 1) The proposed mix of affordable housing did not accord with the requirements of policies H1 and H2 of the Local Plan. Nor was it consistent with the first preference affordable housing mix set out in the section 106 agreement.
 - 2) The proposed form of development necessitated the removal of species-rich hedgerow of Local ecological value. As no robust methodology for measuring and recording biodiversity net gain across the Development had been agreed, officers were unable to properly assess the value of any proposed compensatory planting elsewhere on the Development.
 - 3) Officers were not convinced that the proposals would secure maximum practicable biodiversity net gains from on-parcel opportunities provided by the Outline Framework.
 - 4) The proposals did not optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development, including green space. The proposed mix and dwellings types resulted in a developable area, which made it impossible to also provide a high-quality landscape design. Therefore, the proposals did not accord with policies S2, EN1, EN7 and EN8 of the Local Plan.
 - 5) The proposals failed to address climate change in an appropriate way. They were inconsistent with the Local Plan Framework’s clear expectation for innovation in residential design, and a place that is future-proof. Therefore, they did not accord with policies S2 or EN1 of the Local Plan Framework.
 - 6) The Highway Authority concluded that the proposals would not result in safe and suitable access for all users. As such, the proposals conflicted with the requirements of the Local Plan, Local Transport Plan, the NPPF, and local design guidance in MfGS.
- 8.26 Rather than reporting the application with a recommendation that it be refused, officers provided the Applicant with a comprehensive written response on the 19th of April. That was followed by a period of negotiations between May and July. The Applicant formally submitted revised application proposals on the 22nd of July.

Officers' assessment of the revised application proposals

Meeting local housing need

- 8.27 Policy H1 states that all housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will also be required to comply with the NDSS.
- 8.28 In addition to meeting local housing need, officers are keen to ensure the proposals optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development, including green and other public space. Striking the right balance between the built footprint and green space is critical to achieving a sustainable, high-quality development.

Affordable housing

- 8.29 Policy H1 requires that any affordable accommodation with two or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation. Policy H2 stipulates that the type, size and mix, including the tenure split, of affordable housing will be expected to address the identified and prioritized housing needs of the District.
- 8.30 The Local Plan explanatory text describes how development will be required to provide an appropriate mix of dwelling sizes, tenures and types reflecting the overall Local Plan requirements and the requirements of the locality at the time of the development. Developments should meet the needs and aspirations of people requiring market and affordable housing.
- 8.31 The section 106 agreement includes obligations relating to the phased provision of affordable housing across the Development. The agreement stipulates that 30% of the dwellings across the Development shall be provided as Affordable Housing. The percentage for each Phase or Sub-phase may be higher or lower than 30%, subject to the Development as a whole meeting the Agreed Provision. The distribution of Affordable Housing is controlled through the approved Phasing Plan, which stipulates that Phase 1a will include 20% Affordable Housing.
- 8.32 The revised application proposals include the provision of 14 affordable homes, comprising 8 Affordable Rented Units and 6 Shared Ownership Units (as defined in the section 106 agreement). The proposed level of provision is consistent with the approved Phasing Plan. The mix of affordable homes comprises: 3 three-bedroom houses; 7 two-bedroom houses; and 4 one-bedroom apartments.
- 8.33 The Council's Strategic Manager considers that the Council could accept these proposals, but points out that the number of affordable homes would rise if the overall scheme included a larger number of smaller homes in the market mix.

Market housing

- 8.34 The Planning Statement submitted in support of the OPP included an indicative mix for The Steadings, which was intended to reflect the Strategic Housing Market Assessment

(SHMA) Update Note 2016 and therefore local need, as required by Policy HI. Table I below compares the market mix now proposed for Phase Ia with the Outline Framework indicative market mix, and with the suggested market mix from the SHMA.

Table I. Comparison of the proposed market housing mix with the Outline Framework				
Source of mix	Dwelling types			
	1 bed	2 bed	3 bed	4 bed (or more)
Outline Framework indicative market mix for The Steadings	3%	29%	47%	21%
Proposed market mix for Phase Ia	3.7%	14.8%	55.6%	25.9%
Suggested market mix from SHMA Update Note	3.8%	25.0%	47.4%	23.8%

- 8.35 It stands to reason that proposals for individual Sub-Phases will involve some variation from the Outline Framework indicative market mix, given appropriate variations in development form across The Steadings.
- 8.36 The original application proposals involved a market mix that was much more skewed towards the four-bedroom (or more) category (i.e. 32.2%). The degree of variation from the SHMA was sufficient to raise a concern about whether the proposals reflected local need. The revised proposals are more closely aligned with the SHMA's suggested market mix, albeit they include a relatively low number of two-bedroom homes.

Optimizing the site's potential

- 8.37 The NPPF stipulates that planning decisions should promote an effective use of land in meeting the need for homes and other uses. It also makes it clear that this involves optimizing the potential of the site to accommodate and sustain an appropriate amount and mix of development, including green space. Similarly, Policy EN1 requires a balance to be struck between new development on the one hand, and the need to provide and enhance green infrastructure, and avoid habitat loss and fragmentation, on the other. Getting this balance right is critical to achieving sustainable, high-quality development. In addition to the question of meeting local housing need, officers' previous concerns about the proposed market mix and the choice of house types were twofold.
- 8.38 Firstly, the proposed mix and choice of house types meant that the net developable area occupied too large a proportion of the site. In effect, the original layout did not strike the right balance between the built footprint and green space. As a consequence,

the landscape design was unsatisfactory in various respects, and did not adhere to the Outline Framework. The revised proposals address some of the original concerns, but the landscape design is still not completely satisfactory, for reasons we describe in more detail below.

- 8.39 Secondly, the additional space (per plot) required for the larger homes contributed to various design tensions within the layout: e.g. insufficient space for planting large trees at key locations; and unsatisfactory relationships between some dwellings and private amenity spaces. To illustrate the issue, the nine detached homes proposed along the western edge of the site account for some 13% of the scheme by number, but around 23% of the net developed area. While the revised proposals have alleviated those tensions to some extent, they have not completely resolved them.

Landscaping

Biodiversity net gain

- 8.40 The Environment Bill creates a new requirement in planning legislation for a 10% biodiversity gain for new developments. The government will use the Defra Biodiversity Metric to measure changes to biodiversity.
- 8.41 The application is supported by an updated assessment of the ecological baseline, which (among other things) categorizes the existing hedgerows on the site. The proposals allow for the retention of the existing hedgerows on the northern, western and southern boundaries of the site (hedgerows H1, H2 and H4). All three are categorized as species poor. Hedgerow H3 is a field boundary within the site. The field boundary is around 180 m in length, but there are some gaps in the hedgerow. The ecological assessment concluded that while H3 did not meet the criteria to qualify as 'important', it is species-rich. The hedgerows are considered to be of Local ecological value, because they support, or are likely to support, a range of protected species, including nesting birds and foraging/commuting bats.
- 8.42 Officers agreed to support a form of development, which necessitates the removal of H3, providing the requirements of policies EN7 and EN8 would be met. In practice, this means securing maximum compensatory benefits from the Phase 1a landscape design, together with further compensatory measures on the main part of The Steadings site.
- 8.43 Following protracted negotiations, the revised layout now adheres to the minimum requirements of the Parameter Plans for green space along the eastern boundary (the Rural Link). This in turn creates opportunities to plant and maintain a new hedgerow along the eastern boundary. It also creates sufficient space for new tree planting between that hedgerow and the proposed development. The revised layout also allows for a minimum 3 m buffer strip along the northern boundary hedgerow. This will facilitate the implementation of a long-term management regime, to significantly improve the ecological value of that hedgerow.
- 8.44 The Applicant's team have assessed the revised landscape design using the Biodiversity Metric, which generates area and linear calculations. The Metric indicates that the proposals are capable of delivering biodiversity net gain, subject to implementation details and management arrangements: i.e. 3.15% (area calculation); and 19.53% (linear

calculation). Officers have obtained specialist advice to assist in validating the calculations.

- 8.45 Policy EN7 stipulates that where “trees, woodland or hedgerows are proposed to be removed as part of development, compensatory planting will be required.” The Metric outputs assisted officers in assessing whether the landscape design for Phase 1a includes sufficient compensatory planting, given the proposed removal of Hedgerow H3. Bearing in mind the Environment Bill benchmark, officers concluded that additional compensatory planting will be necessary.
- 8.46 BDL and the Applicant have now agreed that additional compensatory planting will be delivered on the main part of The Steadings site. Officers are confident that this can be controlled and if necessary enforced using the OPP approval regime (i.e. planning conditions and obligations). BDL has agreed to work with officers in jointly recording and monitoring the arrangements, as the Development progresses.
- 8.47 Moreover, BDL has agreed that 10% biodiversity gain should be the starting point target for The Steadings as a whole. The Outline Framework creates an opportunity for around 15 ha on the main site to be managed specifically for biodiversity (i.e. 37% of the designated main open green spaces, or 12.5% of the overall OPP site area). Early application of the Metric to the Development as a whole indicates that the agreed 10% starting point target should be achievable.
- 8.48 In order to deliver sustainable, high-quality development at Phase 1a, it is important to ensure that implementation of the proposed landscape design achieves the potential gains assumed in the Metric. The Council also needs to ensure that the Landscape, Ecological and Arboricultural Management and Monitoring Plan (LEAMMP) for Phase 1a marries up with the approved Ecological Mitigation and Management Framework (EMMF), which forms part of the Outline Framework. The Council’s Biodiversity Officer has some outstanding concerns in relation to the above, which will need to be satisfactorily addressed before the details are approved.

Street trees

- 8.49 The original design concept was predicated on planting large (forest scale) trees at key locations across the layout, to act as way markers. Street trees were to provide a green approach along streets, helping to soften the built form. Officers accepted this concept as a starting point, as the layout does not lend itself to avenue tree planting (see below).
- 8.50 During the negotiations officers became concerned that the original concept for tree planting was being lost. Officers previously suggested a number of revisions to the layout, which were intended to free up more space within the developed area of the site, including space to properly implement the original tree planting strategy.
- 8.51 The updated NPPF has thrown this issue into sharp relief. It stipulates that planning policies and decisions should ensure that new streets are tree-lined (i.e. unless there are clear, justifiable and compelling reasons why this would be inappropriate). In this case the proposed new streets would not be tree-lined. However, officers consider that this could be justified, if the original design concept, as described above, were to be properly executed across the proposed landscape design (see also the comments

on layout below). It is not at present, and the current proposals are therefore not NPPF compliant.

Rural Link

- 8.52 The Parameter Plans approved as part of the OPP safeguarded a minimum 10 m green corridor (Rural Link) along the eastern boundary of Phase 1a. This minimum landscape buffer was intended to facilitate (among other things) tree planting, thereby creating a natural screen between the new homes and the existing industrial buildings immediately adjacent to the eastern boundary. Planting in this location is complicated by an existing sewer easement. The revised proposals provide more space for the Rural Link, and officers are now satisfied that the necessary tree planting is deliverable, despite the constraint of the sewer easement.
- 8.53 Officers consider that the detailed landscape design proposals for the Rural Link could be revised to better support the Council's ecological objectives. We believe the necessary revisions were previously agreed with the Applicant, but the landscape design details still need to be updated.

Amenity spaces

- 8.54 The layout includes a central green space, which meets the minimum quantitative standard stipulated in the design codes. The contemporary 'village green' concept, described in the Landscape Statement, is considered appropriate for this space. The small number of specimen trees will, in the fullness of time, create a significant green focal point within the layout. The smaller trees, proposed closer to the main terrace, provide opportunities to bring colour to the space. The proposed variations in grassland height will give it some gentle three-dimensional character, while the trees are maturing. This space will also include a Local Area for Play (LAP).
- 8.55 The layout also includes green space in the south-west corner of the site, which includes a SuDS attenuation basin. The Landscape Statement highlights the opportunities to create a trim trail within this area. The proposed sections indicate that the side slopes of the attenuation basin would not be any steeper than a 1:3 gradient, which is acceptable. The proposed headwalls/inlet features within the attenuation basin will need to complement the visual character of the site. Officers have proposed a bespoke design approach, making use of natural stone. Detailed designs will need to be submitted and agreed in due course.

Layout

Block structure

- 8.56 Generally, the public edges of the proposed blocks are defined by coherent frontages, which is very positive in urban design terms. The various short terraces help in this regard, defining main routes and key spaces. Officers support the retention of this approach in any revised layout.
- 8.57 Building setbacks are generally limited to modest areas of defensible space. While this will help to create a positive sense of enclosure and natural surveillance, it means the

street designs are not suited to avenue tree planting. In most cases there would not be sufficient space to allow street trees to grow to maturity.

- 8.58 The layout includes a number of parking solutions, but relies quite heavily on courtyard parking. Courtyard parking facilitates the terraced forms described above. For this reason, officers support the use of this parking solution, in principle. The parking courts are arranged within block interiors, ensuring that parked cars will not dominate the public domain.
- 8.59 Officers remain supportive of the design approach described above, providing revisions are made to create sufficient space to properly execute the original concept of planting large trees in key locations. This will necessitate some revisions to the layout, including some house type substitutions. For example, officers previously suggested replacing some of the large detached houses, proposed along the Somerford Road frontage, with semi-detached house types. This would free up more space within the two main blocks in the western part of the layout (e.g. adjacent the turning head in the north-west corner).
- 8.60 A number of third parties referred to the Somerford Road frontage, arguing that the proposals fail to reflect the character of existing development on the opposite side of the street. Respondents variously argued that the proposed houses are not large enough, or that they lack design flare, or that their designs and layout are too uniform and lacking in variety. The revisions previously suggested by officers would help to address at least some of these points. Substituting semi-detached types for some of the detached types would introduce more variety in terms of massing and spacing, whilst retaining the rhythm and order envisaged in the DDC. The Applicant's design team originally included two pairs of semi-detached houses as part of the Somerford Road frontage, when the design concept was still evolving (see page 13 of the Design and Access Statement).

Central walkway in the western part of the layout

- 8.61 The original layout included a cul-de-sac street between the two main blocks in the western part of the layout. That street has now been removed, and the corridor has become a walkway. Officers fully support the principles of ensuring maximum permeability for pedestrians, and convenient access for all to the central green space. That said, officers are not convinced by the overall design proposals for this central part of the layout. We have previously suggested a rethink of this aspect of the layout, maintaining pedestrian permeability between the blocks, but concentrating the greenspace in a location immediately opposite the central green space. This is one of the locations where creating space for larger trees would further the original concept. It would create an attractive green gateway, which would also serve as a natural speed maintaining feature. It would also strengthen the link between new trees in the western boundary hedge and new trees within the central green space. As things stand, the central walkway is a space with very little purpose.

Relationships between buildings and private amenity spaces

- 8.62 Officers have also expressed concerns about some of the proposed relationships between dwellings and private amenity spaces. The revised proposals have sought to address those concerns to some extent, but there are a few locations within the layout

where relationships remain on the borderline of acceptability. Again, officers have proposed potential solutions, which would improve the situation. Those solutions should be revisited, in the context of an overall rethink of the layout.

Appearance

Architectural style

- 8.63 Generally, the design approach to individual dwellings is acceptable and as discussed at the pre-application stage (see also the comments on ancillary buildings below). Most of the house type designs exhibit quite a strong vernacular flavour with the use of traditional forms and roof pitches, etc. However, other elements are given a more contemporary treatment, and the incorporation of robust chimneys and deeply recessed doorways and windows results in a positive 'contemporary' interpretation of the Cotswold vernacular.
- 8.64 Officers have some concerns about the appropriateness of the house type designs proposed for plots 12 and 13, which feature pyramidal roofs. However, the two plots in question are not in prominent locations.
- 8.65 The proportions of windows and their more contemporary design, works with the form of the buildings. The suggested use of a recessive colour for the windows, such as a stone shade to blend with the adjacent stonework, is welcomed. The strong palette of colours for the front doors is also welcomed. The solid to void ratio seen throughout the buildings is appropriate and reflects traditional buildings in the area.

Materials

- 8.66 The use of natural stone throughout the site is welcomed, and will be a positive unifying factor. However, the Applicant's decision to specify natural stone for Phase 1A will have no bearing on the Council's approach to the SWDC's mandatory requirement for natural stone to be the first choice material for specified locations across the Development. For clarity, officers regard its use across Phase 1a to be additional to those requirements. Officers therefore assume the Master Developer is confident that the Applicant's decision will not preclude (e.g. for viability reasons) the specification of natural Cotswold stone elsewhere on the Development, as per the SWDC.

Scale

Building heights

- 8.67 Officers are satisfied that buildings heights, and the three-dimensional envelope of the scheme, are consistent with the Outline Framework.

Building types of concern

- 8.68 Officers have concerns about the scale of the proposed home office/garage buildings, particularly at plots 1 and 14. At plot 1 the home office/garage building would be the most prominent feature/element, as viewed from the adjacent non-vehicular access point. Officers are concerned that this is a weak design solution at a site entrance.

Building performance

- 8.69 As described earlier in this report, Policy S2 allocates the Strategic Site for “...a sustainable, high-quality, mixed-used development...” The Chesterton Vision and Objectives (Local Plan Appendix B) elaborate on Policy S2. The Vision describes (among other things) how the development “will promote innovation in residential, commercial and infrastructure design with a view to achieving more sustainable ways of living and a place that is future-proof.” Policy EN1 stipulates that “New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by...addressing climate change...” (among other things). Given the content of Policy S2 and Local Plan Appendix B, officers consider that the Policy EN1 requirement to address climate change is engaged in relation to The Steadings.

The national context

- 8.70 The government has set out its plans to radically improve the energy performance of new homes through the introduction of the Future Homes Standard (“the FHS”) by 2025. Homes built under the FHS will be zero-carbon ready. Their levels of energy efficiency will enable them to become zero-carbon homes, without any retrofitting, as the electricity grid continues to decarbonize.
- 8.71 On the 20th of April 2021, the government announced that it will enshrine the Sixth Carbon Budget, as proposed by the CCC, into law. It requires all new buildings to have high levels of energy efficiency and low-carbon heating (e.g. heat pumps or low-carbon heat networks) by 2025 at the latest.
- 8.72 The government has also announced an interim uplift to the Building Regulations in 2021, which is intended to reduce carbon emissions by 31%, relative to the current Building Regulations, which date from 2013. The Building Regulations 2021 will be the new statutory minimum standard for all new developments (subject to transitional arrangements).
- 8.73 Expert opinion is divided on the wisdom of short-term, incremental changes to the Building Regulations at this point. The CCC has strongly urged the government to: publish robust definitions of the FHS and the Future Buildings Standard (“the FBS”); to ensure these are legislated in advance of 2023; and to ensure that no fossil fuels are burnt in new buildings.
- 8.74 On the face of it, the interim Building Regulations 2021 will be the new statutory minimum standard for homes at Phase 1a. However, the transitional arrangements are such that at least some of the new homes at Phase 1a may only be required to meet the Building Regulations 2013 (i.e. to secure Building Regulations approval).

Reducing energy demand

- 8.75 Space heating is the dominant driver of energy consumption in new homes. It also accounts for the majority of residents’ annual energy costs. In 2017 the Home Builders Federation (“the HBF”) highlighted that in new homes, space and hot water heating accounted for 62% and 24% respectively of residents’ annual energy costs. Limiting space heating demand is therefore critical to reducing energy demand in new homes.

- 8.76 The Council's Net Zero Carbon Toolkit (June 2021) recommends limiting space heating demand to 15 kWh/m²/yr. It also recommends limiting Energy Use Intensity ("EUI") to 35 kWh/m²/yr. These metrics are described as key performance indicators.
- 8.77 It is important to be clear on the status of the Council's Net Zero Carbon Toolkit. It is not part of the development plan, nor is it a Supplementary Planning Document. It is a resource for participants in the development process, which provides advice on design approaches and good practice within the field of Net Zero buildings. The Toolkit is the output of funding from the Local Government Association ("LGA") Housing Advisers Programme, which is designed to support councils seeking to innovate in meeting the housing needs of their communities. It is cited here as an appropriate benchmark of high standards in relation to building performance, but officers have afforded it no weight in terms of decision-making.
- 8.78 It is also important to note that in 2019 the CCC urged the Government to ensure that new homes achieve ultra-high levels of energy efficiency (i.e. space heating demand between 15 to 20 kWh/m²/yr) as soon as possible, and by 2025 at the latest. This is a material consideration, given the government's decision to enshrine the CCC's Sixth Carbon Budget in law.

Low-carbon heating

- 8.79 The government views the 2021 uplift to the Building Regulations as an interim step towards the FHS in 2025. In the meantime, it wants as many new homes as possible to be built with low-carbon heating. The government is convinced, from feedback it has received from developers, that many will start to install low-carbon heating systems in response to the interim uplift. The government envisages that this will increase the capacity of supply chains and improve installer skills for the introduction of the FHS. The government's objectives are material considerations.

The Outline Framework

- 8.80 The Energy Statement submitted in support of the Master Developer's outline application described how The Steadings will continue to be designed in accordance with the nationally recognized Energy Hierarchy: i.e.
- reducing energy demand in the first instance;
 - using energy more efficiently; and
 - only then, supplying clean renewable energy where appropriate.
- 8.81 The outline planning application described how photovoltaic panels ("PV") and air source heat pumps ("ASHPs") were low-risk technologies, which could be used as part of a 'suite' of effective solutions, subject to detailed design issues.
- 8.82 The outline application reflected undertakings that BDL and the Council gave to the Inspector during the Local Plan examination. A joint statement from the parties explained that while no on-site energy generation was proposed, the Local Plan Vision and Development Objectives would be achieved through careful consideration of the master plan, high performance building fabric, and low-carbon energy technologies such as PV, and air/ground source heat pumps, etc.

- 8.83 The current application seeks approval of reserved matters details, pursuant to the OPP. Reserved matters details should be consistent with the Outline Framework, which includes the Energy Statement,

The Applicant's current proposals

- 8.84 Irrespective of the transitional arrangements, the Applicant has committed to meet, and where possible exceed, the interim Building Regulations 2021. The Applicant considers that, with careful specification, it may be possible to achieve a further 10% (as an average) reduction in carbon emissions; i.e. over and above the 31% reduction required by the new statutory minimum standards.
- 8.85 The Applicant's team has advised officers that new homes at Phase 1a will achieve space heating demand of 23 kWh/m²/yr, and EUI of between 43 and 45 kWh/m²/yr. If these design stage predictions were achieved in use, it would represent a significant improvement on Building Regulations 2013. However, we need to bear in mind that Building Regulations 2021 will significantly raise the statutory minimum standards.
- 8.86 The Applicant's proposals do not include low-carbon heating technologies, as described in the Outline Framework. Instead, the Applicant cites ongoing trials to test the feasibility of using hydrogen to decarbonize the gas grid. The absence of low-carbon heating is problematical, bearing in mind the government's objectives, and the fact that the Outline Framework specifically identified low-carbon energy technologies, which it said could be used as part of a 'suite' of effective solutions.

Oversight and compliance

- 8.87 We know that partial privatization of building control has raised some fundamental concerns about how the Building Regulations are applied, including to strategic developments such as The Steadings. Those concerns revolve around: developers being able to choose Approved Inspectors: inadequate regulatory oversight and enforcement; lack of clarity about roles and responsibilities; inadequate levels of competence; and the recording and conveying of key information. We also know that there is often a significant performance gap between the predicted (i.e. at the design stage) and actual energy efficiency of new homes.
- 8.88 The current application is supported by the Phase 1a Sustainability Framework - November 2020 (Draft) ("Sustainability Framework"). It describes how BDL and the Applicant will ensure "a careful approach to applying the Building Regulations, with high-quality outcomes as the primary objective." This proposal could help to address concerns identified above, and provide a mechanism for ensuring that any enhanced performance standards agreed at the design stage are actually achieved at the construction stage. For example, this might involve Local Authority Building Control ("LABC") providing oversight, if the Applicant chooses to use the National House Building Council ("the NHBC") building control service. The objectives would include improving the inspection regime, and ensuring independent verification of compliance, etc.

Evaluation

- 8.89 The Sustainability Framework also describes how information will be disclosed to purchasers as part of a bespoke Home Information Pack ("HIP") for The Steadings,

supplementary to the EnergyPerformance Certificate (“EPC”). The Council’s Toolkit also recommends Post Occupancy, or Building Performance Evaluations (“POE/BPE”) during the first five years of use, to verify that key performance indicators have been met. The RIBA also advocates for POE, and the government is extending its use. The Applicant has expressed concern that future residents might find POE/BPE intrusive. Officers consider that any such issues should be surmountable. Moreover, POE would be extremely valuable at The Steadings, where the Council and the Master Developer are committed to learning lessons and continual improvement, as the implementation period progresses.

Other issues

- 8.90 Members will note that a number of issues were raised in response to consultation, which are not addressed by the officers’ comments above. These are addressed in turn below.
- 8.91 Cirencester Town Council considers that the accesses to and from the site are not suitable. Members are advised that the accesses are not within the scope of this application, having been approved at the outline stage. Similarly, issues relating to traffic impact were considered and addressed at the outline stage. There is a requirement for a bus route through the main part of the site, but not through the Phase 1a site. The Highway Authority’s objections to the original application proposals relate to the internal arrangements on the site.
- 8.92 One of the third-party respondents suggested that the Council failed to make the proposals public. Members are assured that both the original and the revised proposals have been subjected to public consultation in accordance with appropriate Council procedures. Consultation included site notices, which were posted at the site.

9. Conclusion:

- 9.1 As indicated above, the principle of development is established by the OPP. Implicit in the grant of outline planning permission, is that at least one form of development is acceptable. However, it is also implicit that some forms of development will not be acceptable. While the original application proposals were not considered acceptable, significant progress has now been made through the negotiations. Officers consider that while the revised application proposals are not yet consistent with the Local Plan Framework and the NPPF, the outstanding areas of concern could be satisfactorily addressed through further negotiations.
- 9.2 The Steadings is central to successful delivery of the Local Plan Strategy. In this context there are clearly shared benefits in reaching a point where mutually acceptable Reserved Matters details can be approved by the Council, as the local planning authority. Officers are also confident that the Applicant and the Master Developer remain committed to meeting Local Plan requirements, and to the Local Plan Vision and Objectives for The Steadings.
- 9.3 While significant progress has been made over recent months, the negotiations have now reached a point where difficult decisions need to be made on all sides. In addition, the July NPPF necessitates reconsideration of both the Applicant’s and officers’ approach to the proposed landscape design. The primary purpose of this report is

therefore to update Members on the current position, and provide all involved with confidence about a potential route to approval of the application.

Options in relation to the building performance issue

- 9.4 Members have at least two options in relation to the building performance issue, which are described in summary below.
- 9.5 Members may conclude, from the information conveyed in this report, that the Applicant's current proposals to meet, and where possible exceed, the Building Regulations 2021 adhere to very high standards of environmental performance, which will address climate change. Members may therefore conclude that in this respect the proposals meet the requirements of policies EN1 and S2, and are consistent with the Local Plan Vision and Objectives for The Steadings.
- 9.6 Alternatively, Members may conclude that in order to meet requirements of policies EN1 and S2, the Applicant's proposals for building performance need to go further: e.g. meeting the government's objective that as many new homes as possible are provided with low-carbon heating; and reflecting the CCC's recommendations for low-carbon heating combined with ultra-high levels of energy efficiency (i.e. space heating demand between 15 to 20 kWh/m²/yr) by 2025 at the very latest.
- 9.7 Officers consider that the second option certainly adheres to good practice in relation to building performance, as described in the Council's Toolkit. Moreover, supporting the government's objectives in relation to low-carbon heating would be more consistent with the Outline Framework, which described how low-risk, low-carbon energy technologies could be used as part of a 'suite' of effective solutions.
- 9.8 When considering these options, Members will want to reflect on relevant aspects of PPG and the NPPF. The former describes how local planning authorities may set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the Building Regulations. Such policies must not be inconsistent with relevant national policies (PPG Paragraph: 012 Reference ID: 6-012-20190315 - Revision date: 15/03/2019). While policies EN1 and S2 refer to climate change and high-quality development, they do not set energy efficiency standards. It is also noteworthy that the updated NPPF has increased the weight (i.e. from great to significant) that decision-makers should give to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in an area. The government clearly wants to encourage innovative and high-performing design, albeit without making it a mandatory requirement for securing planning permission. As described earlier in this report, the Local Plan Vision describes how The Steadings "*will promote innovation in residential, commercial and infrastructure design with a view to achieving more sustainable ways of living and a place that is future-proof.*" The Master Developer has previously cooperated with the Council in demonstrating to the Local Plan Inspector how the Vision would be delivered in practice, including the use of low-carbon heating technologies.
- 9.9 Whichever option Members favour, it would be prudent to also seek to agree arrangements for oversight of inspection and compliance during construction, and appropriate arrangements for post occupancy evaluation. These matters would require planning conditions in due course, if agreed in principle with the Applicant.

Viability considerations

- 9.10 The Applicant and the Master Developer consider the current proposals in relation to building performance to be entirely satisfactory and policy compliant. For that reason, they have not to date considered it necessary to submit a viability assessment; e.g. to make a case that enhanced performance standards would render development at Phase 1a non-viable. Nonetheless, officers have previously made it clear that the Council would carefully consider any such evidence, before reaching a decision on the application.

Recommendations

- 9.11 With all of the above in mind, officers recommend that Members consider passing a resolution to grant Approval of this application at a subsequent meeting, subject to satisfactory resolution of the limited number of outstanding issues listed below:

- a) revision of the proposed landscape design, to better reflect the original design concept of planting large trees at key locations across the layout (i.e. in addition to the tree planting currently proposed); and
- b) revision of the proposed layout to facilitate the above, including substitution of house types wherever this proves necessary to free up additional space. This will also present opportunities to revisit the very small number of locations where separation distances between buildings are currently on the borderline of acceptability; and
- c) substitution of ancillary buildings on plots 1 and 14 with similar buildings of more appropriate design; and
- d) refinement of the landscape design, and updating of documents (e.g. LEAMMP) as necessary, to support the agreed approach to securing biodiversity net gain; and either,
- e) a scheme to address the building performance issue, which is based on the Applicant's current proposals to meet, and where possible exceed, the Building Regulations 2021:

or,

- f) a scheme to address the building performance issue, which meets the government's objective that as many new homes as possible are provided with low-carbon heating, and reflects the CCC's recommendations for low-carbon heating combined with ultra-high levels of energy efficiency (i.e. space heating demand between 15 to 20 kWh/m²/yr).
- 9.12 If Members are minded to pass such a resolution, they are asked to confirm whether they want officers to secure building performance option e) or option f) above. It is further recommended that whichever option Members favour, the building performance scheme should also include: bespoke arrangements for oversight of inspection and compliance during construction; and appropriate arrangements for post occupancy evaluation.

- 9.13 For the avoidance of doubt, officers are not recommending that Members Approve the current proposals. As explained throughout this report, officers consider that they are not yet consistent with the Local Plan Framework and the NPPF. Instead, officers consider that a demonstration of Member support for the potential route to approval described above, would provide the confidence required for officers and the Applicant to bring the negotiations to a successful conclusion in a timely fashion.
- 9.14 Members will note that a list of draft planning conditions follows this report. The intention here is to provide Members and the Applicant with as clear a picture as possible of the potential construction of a subsequent planning permission, following resolution of the outstanding matters above. Members are asked to note that these draft conditions, which include a number of pre-commencement conditions, remain to be discussed and agreed with the Applicant.
- 9.15 Officers appreciate that Members may reach a different conclusion in relation to the current application proposals. In that event, and should Members be minded to grant Approval of this application based on the current details, officers recommend that they be given delated authority to discuss and agree the necessary planning conditions with the Applicant, before the application is Approved.
- 9.16 In the event that Members decide to pass a resolution, as described at paragraphs 9.11 and 9.12 above, officers propose to continue the negotiations with the Applicant, with a view to providing Members with a follow-up report and recommendation at a subsequent meeting of the Planning and Licencing Committee.

10. Draft conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing numbers(s): **[drawing numbers to be added once drawings are agreed]**.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

2. No development shall take place until a scheme for inspection and verification of the enhanced building performance requirements set out in the approved document **[NB. no such document has yet been submitted or agreed]** has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for its implementation alongside the Building Regulations approval process, and for formal reporting of specified 'as-constructed' information to the Local Planning Authority at RIBA Stage 5 - Construction. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure design standards that facilitate sustainable use of the development in accordance with Cotswold District Local Plan S2 and EN1.

3. No development shall take place until a scheme for Post Occupancy Evaluation (POE) of the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the scheme shall include detailed arrangements for:

- a) its implementation over the specified evaluation period;
- b) the formal submission of energy and CO₂ calculation outputs for the dwellings immediately prior to handover (at RIBA Stage 6 - Handover and Close Out);
- c) the provision of metering in the dwellings, to allow the total energy and water consumption of individual dwellings to be reported annually in the first 5 years after handover;
- d) formally reporting on the annual energy and water consumption for a target of 20% of dwellings via specified means;
- e) user surveys for a target of 20% of dwellings at appropriate intervals over the evaluation period; and
- f) the appointment of an independent POE consultant, who will be responsible for implementation of the approved scheme.

Development shall be carried out in accordance with the approved scheme.

Reason: To evaluate the effectiveness in use of enhanced building performance measures, which are intended to facilitate sustainable use of the development in accordance with Cotswold District Local Plan S2 and EN1.

4. The dwellings hereby approved on plot numbers **[to be confirmed]** shall be designed and constructed to incorporate noise mitigation measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions). These standards currently require:
 - a) Resting 35 dB LAeq,16hour;
 - b) Dining 40 dB LAeq,16hour;
 - c) Sleeping 30 dB LAeq,8hour;
 - d) 45dB LAFmax; and
 any external amenity space(s) should achieve 55dB.

Reason: To ensure the dwellings in question are adequately protected from noise emanating from neighbouring development in accordance with the NPPF.

5. None of the dwellings specified in condition 4 above shall be occupied until a pre-occupation validation noise survey has been carried out, in order to demonstrate that the incorporated noise mitigation measures are effectual in reducing noise to an acceptable level, and a certificate of compliance by an approved acoustic assessor has been submitted to the Local Planning Authority confirming that the noise levels required under BS 8233:2014 (as set out in condition 12 of the same) have been achieved, and the Local Planning Authority has confirmed acceptance in writing. The incorporated and so certified measures, shall thereafter be retained.

Reason: To ensure the dwellings in question are adequately protected from noise emanating from neighbouring development in accordance with the NPPF.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or

replacing it, no rear garden boundary treatments shall be erected on plots **[to be confirmed]** other than those specified on approved drawings **[to be confirmed]**.

Reason: To safeguard the ecological corridor adjacent to the retained northern boundary hedgerow, in accordance with Cotswold District Local Plan EN7 and EN8.

7. No works shall commence on site on the development hereby permitted until details of the defined highway works have been submitted to and approved in writing by the Local Planning Authority and no occupation/opening to the public shall occur until the approved works have been completed and are open to the public.

Reason: In the interest of highway safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

8. No building or use hereby permitted shall be occupied or use commenced until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.

Reason: In the interest of highway safety.

9. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans Drawing number **[to be confirmed]** has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

10. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point in accordance with the approved plans Drawing number **[to be confirmed]**. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 [and Manual for Gloucestershire Streets]. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution and to ensure an acceptable impact on biodiversity in accordance in accordance with Cotswold District Local Plan policies EN2, EN8 and EN15.

12. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed in 'Development Phase 1a Arboricultural Method Statement (Incorporating Impact Assessment and Tree Protection Measures) Report Reference edp6352_r008b (October 2020) shall be installed in accordance with the specifications set out within the Report and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

13. No development shall take place until a comprehensive landscape scheme for the site has been submitted to and approved in writing by the Local Planning Authority **[to be reviewed when the final landscape design is agreed]**. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences (including headwalls, inlet features and fencing/railings within the SuDS basin) and hard surface materials, to be used throughout the proposed development. The details must also include a Public Access & Management Statement/plan for the open space area. The submitted details will need to be consistent with, and conform to, the details of the Landscape, Ecological and Arboricultural Management and Monitoring Plan (LEAMMP) to be approved under Condition 61 of the associated Outline permission (16/00054/OUT).

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and EN8, and the provisions of the NPPF.

14. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

15. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

16. The external walls of the development hereby permitted shall be built of a mix of extensive rubble stone with selected use of ashlar detailing, and rendered walls in a carefully selected palette of stone colours, and shall be permanently retained as such thereafter **[to be reviewed when the final design details are agreed]**.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

17. The roof slopes of the development hereby permitted shall be covered with reconstituted Cotswold stone roofing and shall be permanently retained as such thereafter **[to be reviewed when the final design details are agreed]**.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

18. Prior to the construction of any external wall of the dwellings hereby approved, a sample panel of walling to the dwellings of at least one metre square in size showing, where applicable, the contrast and junction of ground floor and first floor walling finishes and the proposed corner treatments of:- i) stone, ii) Stone and render, iii) and Render, and showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development **[to be reviewed when the final design details are agreed]**.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

19. Prior to the construction of any boundary treatments to the dwellings hereby approved, a sample panel of i) boundary walls (showing capping treatment), ii) dry stone boundary

walling, iii) masonry (stonework) and timber boundary walling, showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

20. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and the provisions of the NPPF.

21. Prior to the first occupation of the development hereby permitted, the windows and doors, including garage doors, shall be finished in a colour(s) to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and the provisions of the NPPF.

22. No eaves (notwithstanding the details shown on the submitted elevation drawings), verges, solar panels, rooflights, windows, doors, garage doors, porch canopies, balconies, or gates shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority. The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

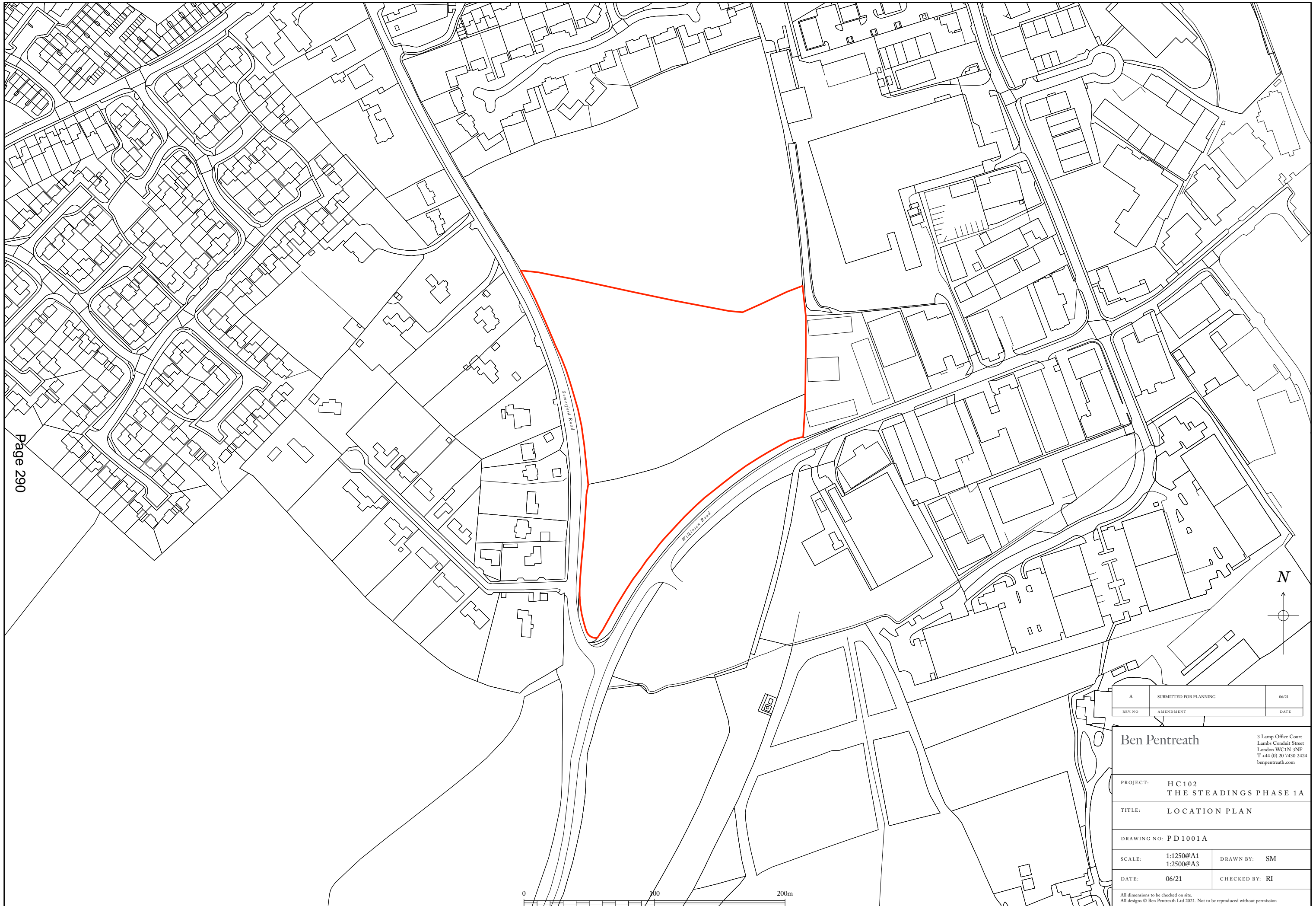
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and the provisions of the NPPF.

23. Rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights is/are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and the provisions of the NPPF.

INFORMATIVES:-

1. Works on the Public Highway ***[to be added before the application is determined]***
2. A description of the arrangements for delivering compensatory planting on the main site, pursuant to the outline planning permission and the section 106 agreement ***[to be added before the application is determined]***
3. Importance of conveying the approved LEAMMP details to the Steadings Community Management Trust, to ensure that future management of the retained and new natural assets supports nature recovery ***[to be added before the application is determined]***
4. Please note that this development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), as the Strategic Site south of Chesterton is rated £0/m² for residential development.



A	SUBMITTED FOR PLANNING	06/21
REV. NO.	AMENDMENT	DATE

Ben Pentreath
 3 Lamp Office Court
 Lamba Conduit Street
 London WC1N 3NF
 T +44 (0) 20 7430 2424
 benpentreath.com

PROJECT: HC102
 THE STEADINGS PHASE 1A

TITLE: LOCATION PLAN

DRAWING NO: PD1001A

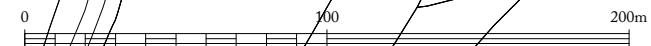
SCALE: 1:1250@A1
 1:2500@A3

DRAWN BY: SM

DATE: 06/21

CHECKED BY: RI

All dimensions to be checked on site.
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REV. NO.	AMENDMENT	DATE
A	SUBMITTED FOR PLANNING	06/21

Ben Pentreath
3 Lamp Office Court
Lambeth Conduit Street
London WC1N 3NF
T +44 (0) 20 7430 2424
benpentreath.com

PROJECT: HC102
THE STEADINGS PHASE 1A

TITLE: SITE LAYOUT PLAN

DRAWING NO: PD1004A

SCALE: 1:625 @A1
1:1250 @A3

DRAWN BY: SM

DATE: 06/21

CHECKED BY: RI

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Unit Type	Number
1 Bed 2P Flat - 51m ²	1
1 Bed 2P Flat - 50.5m ²	1
1 Bed 2P Flat - 64.1m ²	1
1 Bed 2P Flat - 64.8m ²	1
2 Bed 4P Flat - 60.7m ²	1
2 Bed 4P Flat - 84.6m ²	1
Type CH1a - 2 Storey - 1Bed 2P Coach House - 70.7m ²	1
Type CH1b - 2 Storey - 1Bed 2P Coach House - 70.7m ²	1
Type CH2a - 2 Storey - 2Bed 4P Coach House - 85.8m ²	1
Type CH2b - 2 Storey - 2Bed 4P Coach House - 85.8m ²	1
Type CH2c - 2 Storey - 2Bed 4P Coach House - 87.7m ²	1
Type 2A - 2 Storey - 2Bed 4P House - 74.7m ²	1
Type 2C - 2 Storey - 2Bed 3P House - 70m ²	2
Type 2D - 2 Storey - 2Bed 3P House - 78m ²	7
Type 3A - 2 Storey - 3Bed 5P House - 105.3m ²	6
Type 3B - 2 Storey - 3Bed 5P House - 93.10m ²	2
Type 3C - 2 Storey - 3Bed 5P House - 99.30m ²	3
Type 3D - 2 Storey - 3Bed 5P House - 102.70m ²	3
Type 3E - 2 Storey - 3Bed 5P House - 107m ²	5
Type 3F - 2 Storey - 3Bed 6P House - 124.30m ²	5
Type 3G - 2 Storey - 3Bed 6P House - 106m ²	1
Type 3H - 2 Storey - 3Bed 4P House - 97m ²	8
Type 4A - 2 Storey - 4Bed 6P House - 122.30m ²	6
Type 4B - 2 Storey - 4Bed 7P House - 160.90m ²	6
Type 5A - 2 Storey - 5Bed 9P House - 192m ²	2
Total Units	68

REV. NO	AMENDMENT	DATE
A	SUBMITTED FOR PLANNING	06/21

Ben Pentreath
 3 Lamp Office Court
 Lamba Conduit Street
 London WC1N 3NF
 T +44 (0) 20 7430 2424
 benpentreath.com

PROJECT: HC102
 THE STEADINGS PHASE 1A

TITLE: ACCOMMODATION
 SCHEDULE PLAN

DRAWING NO: PD1005A

SCALE: 1:625 @A1
 1:1250@A3

DATE: 06/21

DRAWN BY: SM
 CHECKED BY: RI

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KEY

Affordable Rent

- 4x 1B2P Apartment
- 3x 2B4P House
- 1x 3B6P House

Shared Ownership

- 4x 2B4P House
- 2x 3B5P House

Total Affordable Units 14



REV. NO	AMENDMENT	DATE
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Ben Pentreath
 3 Lamp Office Court
 Lamba Conduit Street
 London WC1N 3NF
 T +44 (0) 20 7430 2424
 benpentreath.com

PROJECT: HC102
 THE STEADINGS PHASE 1A

TITLE: AFFORDABLE HOUSING
 PLAN

DRAWING NO: PD 1006 A

SCALE: 1:625 @A1
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DRAWN BY: SM

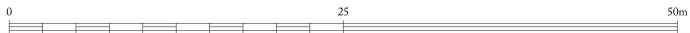
DATE: 06/21

CHECKED BY: RI

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I SOMERFORD ROAD
1:200



REV. NO	AMENDMENT	DATE
A	SUBMITTED FOR PLANNING	06/21

Ben Pentreath		3 Lamp Office Court Lamb Conduit Street London WC1N 3NF T +44 (0) 20 7430 2424 benpentreath.com
PROJECT:	HC102 THE STEADINGS PHASE 1A	
TITLE:	STREET SCENE 4	
DRAWING NO:	PD1020A	
SCALE:	1:200@A1 1:400@A3	DRAWN BY: CG
DATE:	06/21	CHECKED BY: RI
<small>All dimensions to be checked on site. All design © Ben Pentreath Ltd 2020. Not to be reproduced without permission.</small>		

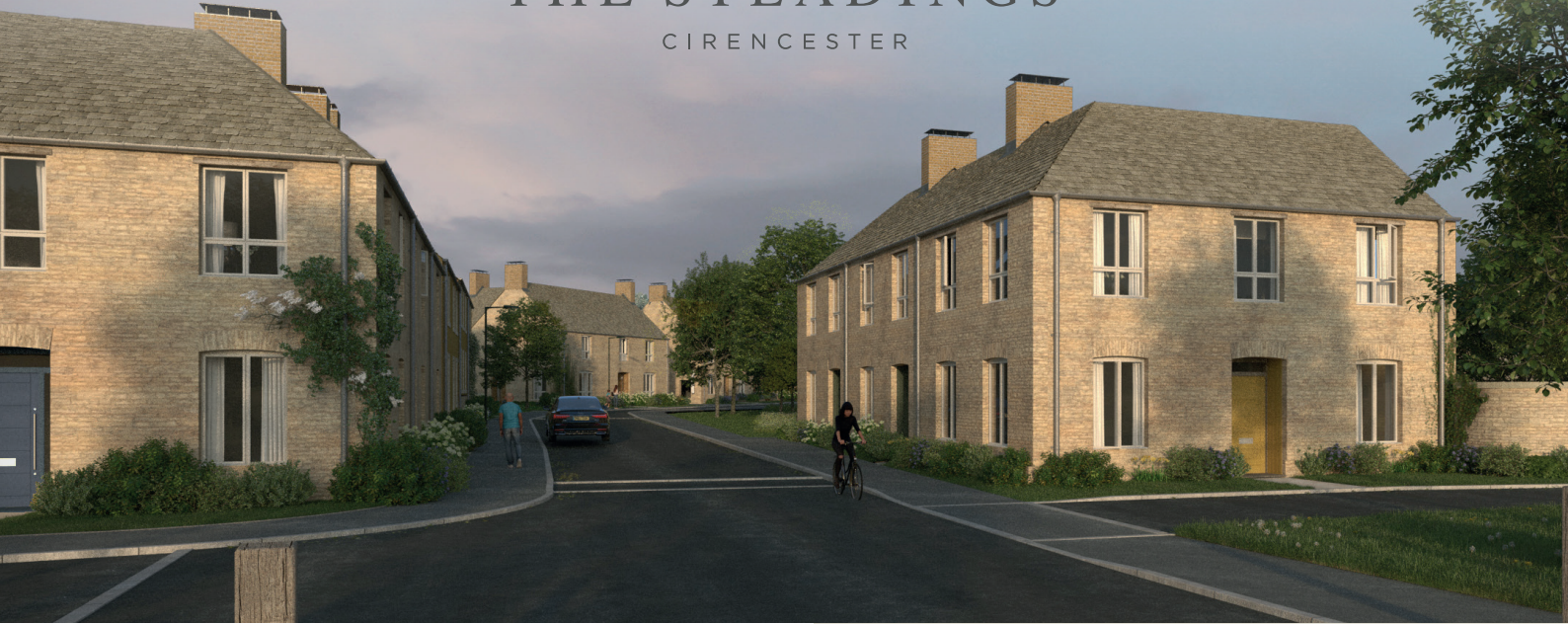






THE STEADINGS

CIRENCESTER



The Steadings Phase 1a

HarperCrewe are working in collaboration with Bathurst Development Limited to bring forward Phase 1a at The Steadings.

Our vision is to create a neighbourhood with an enduring appeal, that draws upon the rich heritage of Cirencester and the Cotswolds, but is forward looking in the best possible way. Our proposals place Design, Sustainability and Stewardship at the forefront.



In line with the Council's Climate Emergency Phase 1a will achieve:

- Improvement over current building regulations requirements;
- Minimising water usage for properties to 110 litres per day and incorporating water butts;
- 68 fast electric vehicle charging points;
- Building with Nature accreditation;
- A linear biodiversity net gain;
- Heat recovery through tried and tested fit and forget systems;
- Dwellings designed to enable battery storage once technology allows;
- Use of low energy systems future proofing properties should alternative sources of heat become prevalent.

Top: Illustrative image of the proposed entrance into Phase 1a

Page 297 Left: Phase 1a masterplan

Jobs and Economy



- Total of 1,800 new jobs on site in the employment areas, local centre and schools;
- 352 full time jobs in the construction phase and 350 indirect jobs in the supply chain.

Phase 1a

- Jobs created during the construction phase;
- Initial appointments associated with the Community Management Trust.

Education



- Provision of a new three form entry primary school;
- 3.2 million contribution to secondary schools.

Phase 1a

- Financial contributions towards primary and secondary schools;
- Process of providing temporary accommodation at existing primary school begins.

Drainage and Wastewater



- Sustainable drainage systems will be used;
- Thames Water new sewer will be provided.

Phase 1a

- Phase 1a will be drained through a sustainable drainage system which ensures surface water flows are at greenfield rates;
- Work on the new sewer has begun and the new development will connect to this as it become available;
- Properties will be provided with water butts to re-use water on site and can include rainwater harvesting systems and an option on properties.

Highways Improvements and Walking & Cycling Links



- Extensive off site highways improvement works along with a £1.8 million contribution towards extended bus services;
- £0.5 million contribution to improve car parking in the town centre;
- Existing footpath a bridleway links to be improved.

Phase 1a

- New junction arrangements will be provided at the Cherry Tree Lane Junction and the Chesterton Lane and Somerford Road Junction and the Wilkinson Road and Somerford Road (in accordance with the details approved at outline stage);
- Footpath and cycleway improvements will be made to routes 7 (Somerford Road), 8 (Oaklands to Sperrigate), and 9 (Wilkinson Road, Love Lane, Midland Road).

New and Affordable Homes



- Up to 2,350 new homes from 1-5 bedrooms;
- 705 new affordable homes;
- Homes for the elderly.

Phase 1a

- 68 new homes in a range of 1-5 bedrooms;
- 15 affordable homes in a split of sizes and tenures to meet local needs.

Health and Wellbeing



- Healthcare facility will be provided;
- Publicly accessible routes and spaces provided;
- Walkable neighbourhoods.

Phase 1a

- Trim trail provided for exercise;
- Two areas of open space provided for leisure and social interaction;
- Properties all constructed to or above national space standards requirements;
- Footpaths are provided within the site, connecting to existing footpaths and onward connections.

Community and Leisure Facilities



- 2.4 acres of space identified for formal sports;
- £0.9 million financial contributions to sports facilities off site;
- Provision of a community building;
- Setting up the Community Management Trust;
- £100,000 financial contribution to CDC for town centre improvements.

Phase 1a

- Approximately 5,400 square metres of open space is provided in a variety of forms to promote community interaction;
- The inception of the CMT will be triggered by the delivery of Phase 1a .

Open Space



- 100 acres of open space to be provided, including sports pitches, new planting, woodlands, water retention areas etc;
- Provision of a number of play areas in a variety of forms;
- Scheduled Ancient Monument will be retained and opened as public space.

Phase 1a

- Approximately 5,400 square metres of open space provided;
- Variety of spaces created including sustainable drainage areas, wildflower areas and edible streets;
- Linear Biodiversity net gain created;
- Local Area of Play provided.

Item No 02:-

21/00950/FUL

**Ivor Webb And Sons Garage
Cherry Tree Lane
Cirencester
Gloucestershire
GL7 5DT**

Item No 02:-

Full application for conversion of garage to 5 no. dwellings, with associated parking and landscaping at Ivor Webb And Sons Garage Cherry Tree Lane Cirencester Gloucestershire GL7 5DT

Full Application 21/00950/FUL	
Applicant:	Mr Roger Webb Ms Helen Webb Ms Valerie Trotman
Agent:	SF Planning Limited
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Evemy
Committee Date:	8th September 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of residential conversion
- (b) Design and landscape impact
- (c) Residential amenity
- (d) Highway safety
- (e) Biodiversity
- (f) CIL
- (g) Other matters

Reasons for Referral:

Reason for referral from Ward Member: "The reason for this referral is so that the Planning and Licensing Committee can consider adding a condition regarding the addition of safe pedestrian/cycle access to Cirencester given the edge of town location of the property. Given its proximity to Cirencester and the amenities it offers including shops and schools, I would like the Committee to consider whether the addition of such a condition is reasonable, particularly in light of the objection received from GCC Highways. That objection also refers to access to the site and concerns that insufficient detail has been provided about the proposed new north vehicular entrance to the site which I would also like the Committee to consider."

Planning Committee Review Panel: Having considered the reasons given by the Ward Member and reviewed the Case officer's report, which included all consultation responses and representations received, the Panel concluded that they were sufficiently substantive planning reasons in respect of the consideration of the balance of issues, including the comments of the Highways Officer, to require the application to be determined by the Planning and Licensing Committee. Consequently, the application will be presented to the next available meeting of the Committee on 8th September.

1. Site Description:

- 1.1 This application relates to a range of buildings at the Ivor Webb and Sons Garage to the eastern side of Cherry Tree Lane, Cirencester. The site lies opposite a highway depot, with a dwelling in separate ownership to the south and an equestrian centre to the north; other land uses near to the site are agricultural. There are two existing access into the site of the highway, with the road running to the east of the A417 to the south-east of the Burford Road junction, with Cherry Tree Lane itself linking between the A417 London Road to the south and the B4425 Burford Road to the north.
- 1.2 The application site is located outside the Cotswolds Area of Outstanding Natural Beauty and does not fall within a Special Landscape Area.

2. Relevant Planning History:

- 2.1 CT.0644/K: Erection of 5 bay vehicle repair workshop. Granted 17.08.1989
- 2.2 92/00875/FUL: Retention of vehicle workshop extension (revised scheme as permitted under CT.0644/K). Granted 19.03.1993
- 2.3 92/01745/FUL: Change of use (Class B2), formation of spraying booth, paint and cellulose store within motor repair workshop and staff car parking spaces (total two). Granted 22.04.1993

3. Planning Policies:

TNPPF The National Planning Policy Framework
DS4 Open Market Housing o/s Principal/non-Pr
EC1 Employment Development
EC2 Safeguarding Employment Sites
EC6 Conversion of Rural Buildings
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN8 Bio & Geo: Features Habitats & Species
EN15 Pollution & Contaminated Land
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

- 4.1 ERS (Noise): No objection subject to condition
- 4.2 ERS (Contamination): No objection subject to condition
- 4.3 ERS (Air Quality): No objection
- 4.4 Highway Authority: Recommend refusal on the grounds of location, lack of footpath provision and visibility at entrance

4.5 Thames Water: No objection

5. View of Town/Parish Council:

5.1 Preston Parish Council:

The Parish Council has no objections in principle but is concerned that there are only 10 car parking spaces so if every house has 2 cars (as there is no access to regular public transport) there are no spaces for visitors.

5.2 Cirencester Town Council:

Though this application is in an adjoining parish, members considered and objected to the conversion of a garage to 5no. dwellings with associated parking and landscaping on the following grounds:-

- a) loss of employment land;
- b) flooding;
- c) lack of parking for residents and visitors;
- d) potential contamination of surrounding soil;
- e) lack of safe walkways into the town for amenities due to the area being too isolated.

6. Other Representations:

6.1 None received

7. Applicant's Supporting Information:

Planning Statement
Design and Access Statement
Structural Survey
Drainage Report
Contamination Assessment
Ecological Survey
Proposed Plans

8. Officer's Assessment:

(a) Principle of Residential Conversion

8.1 The site is located outside any settlement boundary designated within the Cotswold District Local Plan, with that defined for Cirencester extending as far as the opposite side of the A419. Therefore, Policy DS4 (Open Market Housing Outside Principal and Non-Principal Settlements) is applicable, which states:

8.2 New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.'

8.3 Paragraph 6.4.3 continues to list the exceptions to this control, which includes reference to Policy EC6 (Conversion of Rural Buildings), which states the following:

'The conversion of rural buildings to alternative uses will be permitted provided:

- a. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;
- b. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and
- c. the development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.'

- 8.4 Therefore, considering the relatively modern construction of the buildings at the site, their conversion into residential use may be acceptable in principle. A structural report has also been submitted in support of the application.
- 8.5 With regard to the NPPF, paragraph 80 allows for residential development in open countryside in limited circumstances, including at criterion c) 'the development would re-use redundant or disused buildings and enhance its immediate setting'.
- 8.6 Whilst the comments of Cirencester Town Council (CTC) are noted, the site is currently in Class B2 use, however the site is not designated as an Established Employment Site having regard to Policy EC2 of the Local Plan, and it is considered that there would be no policy objection to the loss of this site for its current use.
- 8.7 The site is not also considered to be isolated, and whilst there are no footpaths either existing or proposed, the site is only a short distance from the edge of Cirencester, which is a Principal Settlement as designated in the Local Plan.
- 8.8 The proposed development is, therefore, considered to accord with both national and local planning policy with regard to the principle of the conversion of an existing rural buildings to residential use, including the structural condition of the buildings being considered acceptable to allow their conversion without substantial rebuilding or alteration.

(b) Design and Landscape Impact

- 8.9 Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning decisions should ensure that developments: function well and add to the overall quality of an area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.
- 8.10 Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.

- 8.11 Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.
- 8.12 There are two buildings upon the site. The main garage building, which currently has a canopy attached to the front over the former filling station pumps, addresses the highway and is constructed from reconstituted stone with cladding to the roof. This would provide three units, Unit 1 containing 2 bedrooms, whilst the remaining two units would contain 3 bedrooms. A covered area would be retained in the middle to provide a covered shared amenity space.
- 8.13 The second building is located towards the north-eastern corner of the site and is set back from the highway. This building has either metal cladding or reconstituted stone to its outer walls and cladding to the roof. This would provide two units, each with 3 bedrooms.
- 8.14 Considering the functional design and appearance of the building, the proposed conversion works are sympathetic and considered to be acceptable in terms of layout and fenestration. Therefore, it is considered that the works required to facilitate the residential conversion of the buildings would not cause any demonstrable harm to the character of the landscape, in accordance with Policies EC6 and EN2 of the Local Plan.

(c) Residential Amenity

- 8.15 Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 127 (f) of the NPPF.
- 8.16 With regard to the impact upon residential amenity, the nearest residential property is immediately to the south of the site. However, in view of the proposed residential use it is considered that the re-use of the buildings for this purpose would not materially impact upon the amenities of the occupants of this dwelling, and could be considered an improvement compared to the current B2 use.
- 8.17 There would be windows along the southern elevation of the proposed conversion, although a number of these would be screened by an existing wooden building that would be retained within the boundary of this neighbouring dwelling. Those windows that are not screened would be at ground floor level, and the side elevation to the dwelling is blank except for one ground floor window that would be screened by the boundary treatment.
- 8.18 Each proposed unit would be allocated with sufficient private amenity space, and there should not be any amenity issues arising from the relationship between windows within the site. In addition, the size of the units meets the requirements of the Nationally Described Space Standard, having regard to Policy H1 of the Local Plan.
- 8.19 The proposal is therefore considered to accord with paragraph 130(f) of the NPPF, in addition to Policies EN2 and EN15 of the Local Plan.

(d) Highway Safety

- 8.20 The road past the site is subject to the national speed limit, with acceptable visibility to the north, however that to the south is restricted as the road bends to the west. There are two entrances into the site, the southern of which is shared with the existing dwelling. However, in terms of the proposed re-use, only the northern entrance is to be used, which is considered to be acceptable having regard to the traffic generated by the established use.
- 8.21 The Highway Authority has recommended refusal of the application, on the grounds of the proposal not being considered a sustainable form of development, i.e. not within a designated settlement in the Local Plan with occupants being reliant upon the private car with no suitable alternative modes of transport available.
- 8.22 Whilst this is noted, the proposal does relate to the conversion of existing buildings, and it is not considered that a refusal of planning permission for this reason could be substantiated at appeal given the site is not in an isolated location and that the conversion of existing buildings outside settlement boundaries is supported by both national and local planning policy.
- 8.23 The Highway, and CTC, have also both referred to footpath provision. However, considering the scale of the proposed development, i.e. 5 dwellings, this is not considered to be proportionate.
- 8.24 In terms of parking provision, both the Parish Council and CTC have raised concerns regarding parking provision. The plans show 10 parking spaces, plus 2 visitor spaces, to be provided along the northern boundary of the site. Taking into consideration that there are no specific standards for residential parking in the Local Plan, and that the units have either two or three bedrooms, this is considered to be an appropriate level of provision.
- 8.25 Therefore, the conversion of the buildings would not be considered to have a 'severe' impact upon highway safety, having regard to paragraph 109 of the NPPF, and therefore the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan subject to the conditions recommended.

(e) Biodiversity

- 8.26 Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.
- 8.27 Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.
- 8.28 The Ecological Appraisal report submitted with the application comments that the site is dominated by buildings and hardstanding which provides poor habitat for foraging bats, albeit that the boundary hedgerow and trees may be utilised by both foraging and commuting bats. There is no evidence of roosting bats within the buildings and

potential for future use is considered to be negligible due to the nature of the buildings and materials used in their construction.

8.29 With regard to birds, the hedge, trees, scrub and buildings provide potential nesting habitats, and it is recommended that any clearance is carried out outside the bird nesting season.

8.30 Conditions are recommended to include compliance with the consultancy report and details of external lighting. Subject to this, the proposal is considered to accord with Policy EN8 of the Local Plan, in addition to paragraphs 174 and 180 of the NPPF.

(f) CIL

8.31 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

(g) Other Matters

8.32 CTC have referred to two other issues, flood risk and land contamination.

8.33 Both of these matters are the subject of conditions requiring the submission of details prior to works commencing, however the respective consultees are satisfied that these matters can be addressed in this manner, rather than requiring the submission of further details prior to the determination of the application.

9. Conclusion:

9.1 The proposal is considered to accord with the policies in the Development Plan and NPPF, which are not outweighed by other material planning considerations.

9.2 The recommendation is for planning permission to be granted.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing numbers: P/201; P/210; P/211; P/212; P/710 and P/711.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to use upon the development hereby approved, a sample of the proposed colour to be used on the external cladding to the walls shall be approved in writing by the Local Planning Authority and only the approved colour shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

Reason: The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Policy EN2.

5. The development shall be completed in accordance with the recommendations in Section 4 of the Ecological Appraisal prepared by All Ecology Ltd dated January 2021. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that protected and priority species (including nesting birds) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 174 and 180 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. The development hereby approved shall not be occupied until a protected species enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The Strategy thereby approved shall be implemented in full prior to occupation or the buildings being brought into use and/or if outlined in the Strategy, following commencement of use.

Reason: To ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981 as amended and The Conservation of Habitats & Species Regulation 2010. It is important that these details are agreed prior to the commencement of development in order to ensure the proper management and protection of protected species at the site both during and following the construction of the approved development.

7. Before occupation, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors (including hedgerows and trees) will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. The development hereby permitted shall not be first occupied until the proposed dwellings have each been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities in accordance with Policy INF3 of the Cotswold District Local Plan.

9. The development hereby permitted shall not be occupied until cycle storage facilities for a minimum of 2 no. cycles per dwelling have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Policy INF3 of the Cotswold District Local Plan.

10. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

11. The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions). These standards currently require:

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

and any external amenity space(s) should achieve 50dB

Reason: There is a Highways depot to the west of the application site. It is considered that the above mitigation is required in order to safeguard the residential amenity of future occupants of the development in the event that activities or HGV movements to/from the Highways depot are the source of noise complaint in the future. Equally, it safeguards the Highways depot's continuance of business, without fear of noise complaint from new residential occupiers.

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report with evidence confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

13. Prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the building the subject of this permission, other than those permitted by this Decision Notice.

Reason: The site or building has a distinct and attractive character and appearance which should be maintained. In order to protect these qualities, it is essential for the Local Planning Authority to maintain control over the types of development listed above, in accordance with Cotswold District Local Plan Policy EN2 and the NPPF.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.
2. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

Location Plan of GL7 5DT

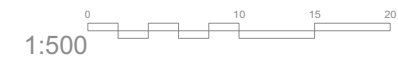
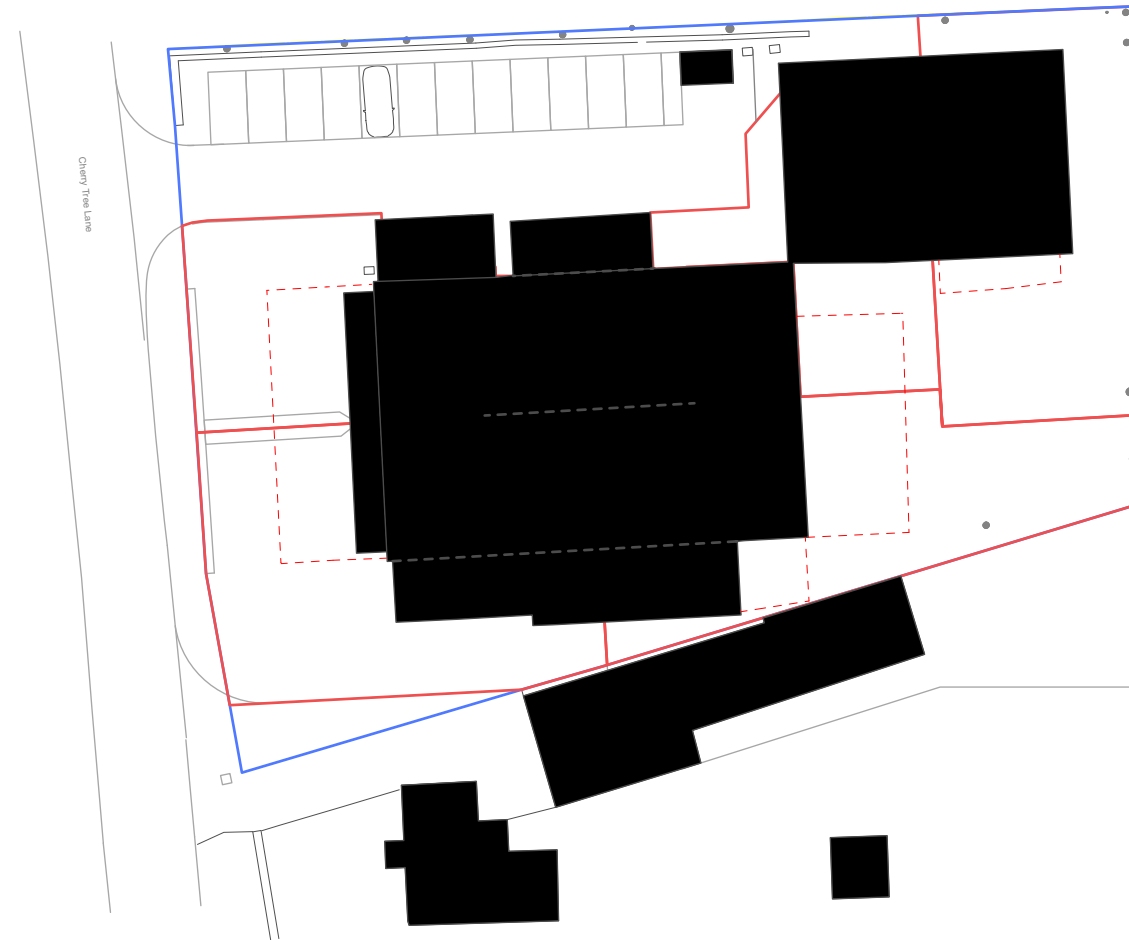


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Scale: 1:1250,
2006
Webbs Garage



P/001 SITE LOCATION PLAN
1:1250



P/002 BLOCK PLAN
1:500

- General Notes**
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Rev.	Date	Notes
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Date: 02/2021
PLANNING DRAWINGS
not for construction

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Project Title
Webbs Garage

Project Address
**Cherry Tree Lane Garage,
Cherry Tree lane,
Cirencester, GL7 5DT**

Job No. **2006**

Drawing Title
Site Location Plan

Drawn By PH	Checked By GL	Date 23/11/20
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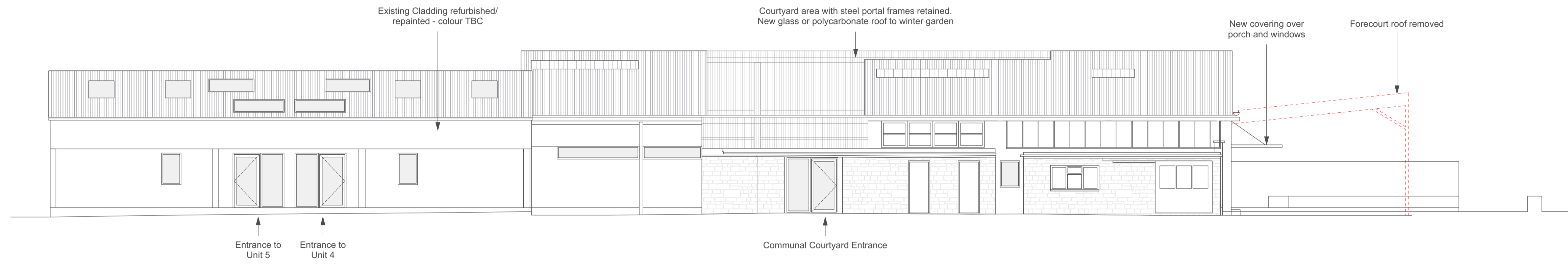
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Drawing No. P/001	Revision -
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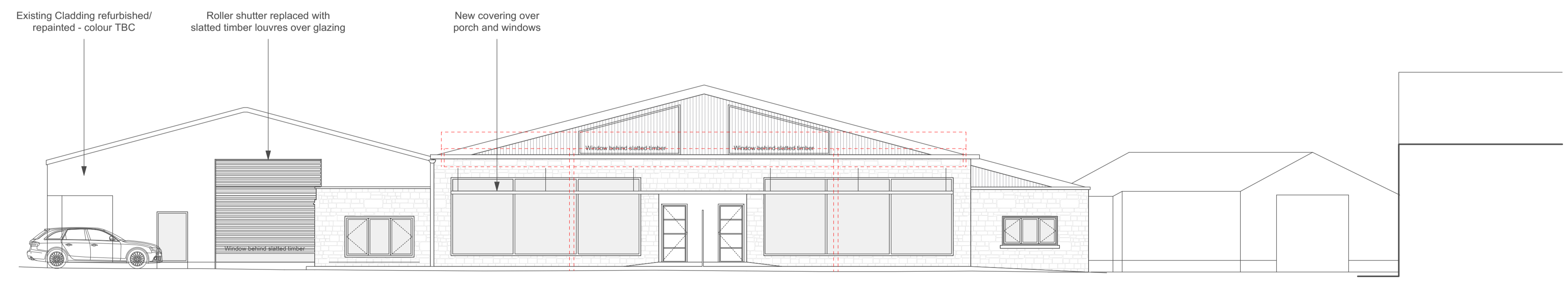
Drawing Status **Planning**

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Rev.	Date	Notes



P/710 PROPOSED NORTH ELEVATION
1:100



P/713 PROPOSED WEST ELEVATION
1:100

Date: 02/2021
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Project Title
Webbs Garage

Project Address
**Cherry Tree Lane Garage,
 Cherry Tree lane,
 Cirencester, GL7 5DT**

Job No.
 2006

Drawing Title
**Proposed
 Elevations**

Drawn By: PH
 Created By: GL
 Date: 09/12/20

Scale
 1:100@A1

Drawn No.
P/710

Revision
 -

Drawing Status
Planning

General Notes

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Date: 02/2021
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Project Title
Webbs Garage

Project Address
 Cherry Tree Lane Garage,
 Cherry Tree lane,
 Cirencester, GL7 5DT

Job No.
 2006

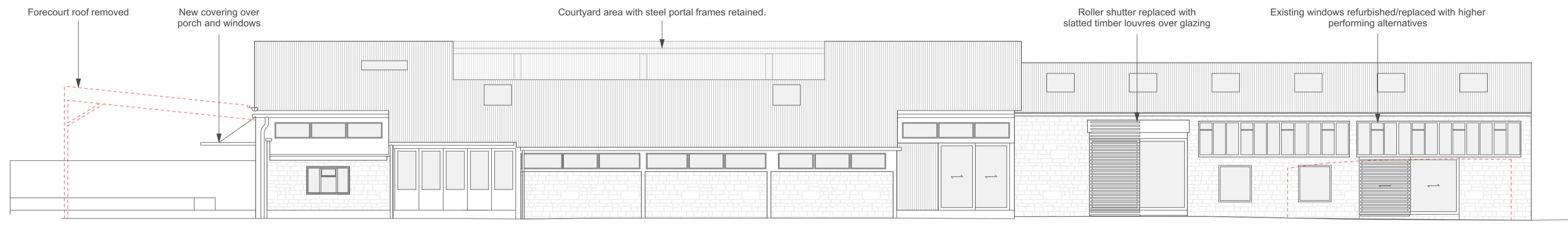
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Proposed Elevations

Drawn By	Created By	Date
PH	GL	09/12/20

Scale
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Drawn No.	Revision
P/711	-

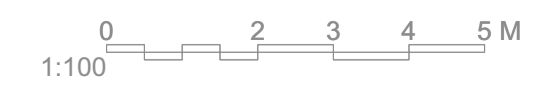
Drawing Status
Planning



P/711 PROPOSED SOUTH ELEVATION
1:100



P/711 PROPOSED EAST ELEVATION
1:100



Existing Walls
Proposed Walls

Unit 1
 3 Bed
 GIA - 125 sqm

Unit 2
 4 Bed
 GIA - 158 sqm

Unit 3
 4 Bed
 GIA - 209 sqm

Unit 4
 3 Bed
 GIA - 139 sqm

Unit 5
 3 Bed
 GIA - 139 sqm

Existing Total GIA
 Approx. 1,043sqm

Proposed Total GIA
 970 sqm

Vehicle Parking
 2 vehicles per household

Bicycle Storage
 2 per household



General Notes
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Project Title
Webbs Garage

Project Address
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 Cherry Tree lane,
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Job No.
 2006

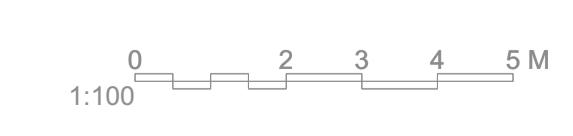
Drawing Title
Proposed
 Ground Floor Plan

Drawn By	Checked By	Date
PH	GL	January 21

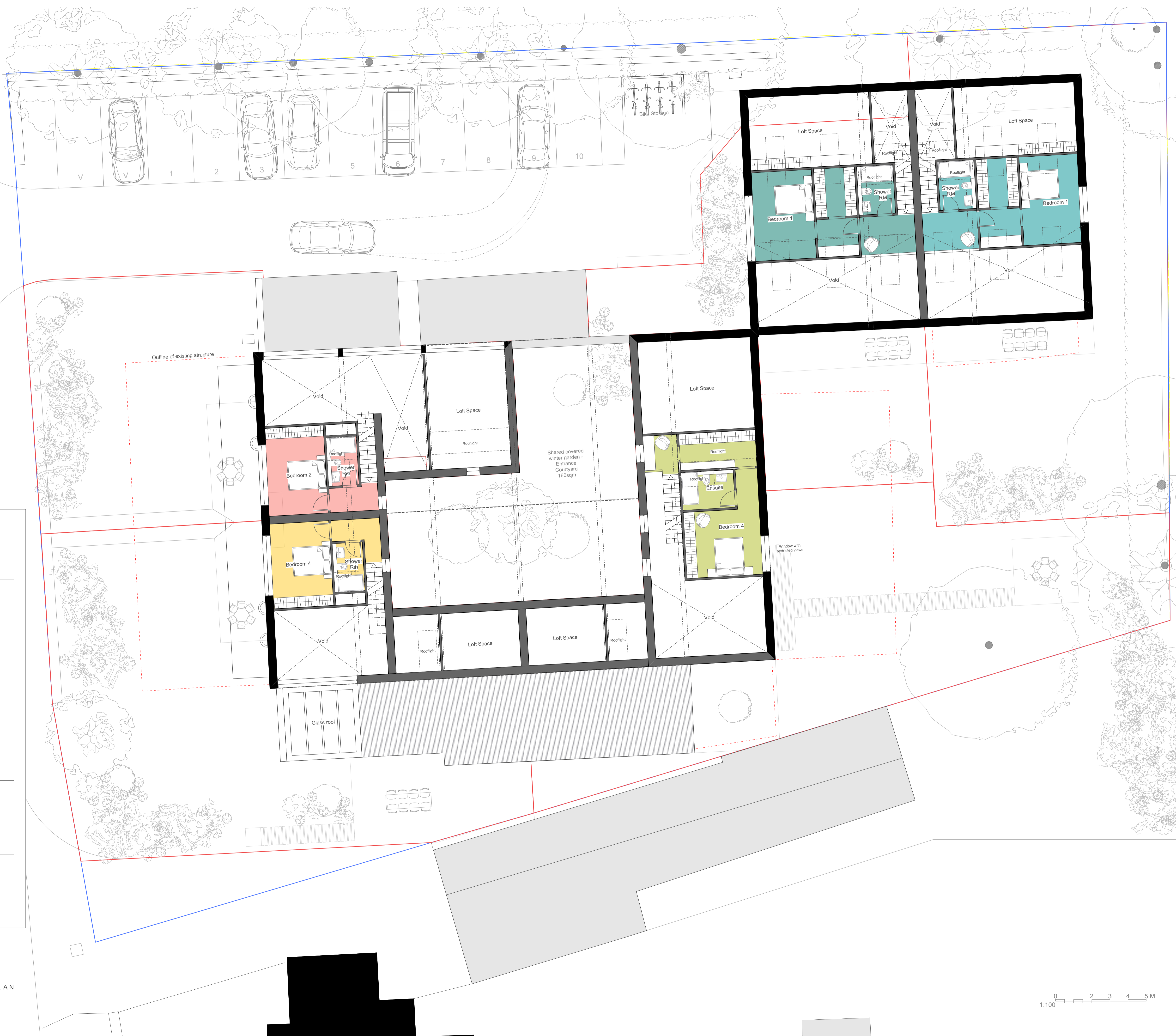
Scale
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Drawn No.	Revision
P/210	-

Drawing Status
 Planning



Cherry Tree Lane



Existing Walls
Proposed Walls

Unit 1
 3 Bed
 GIA - 125 sqm

Unit 2
 4 Bed
 GIA - 158 sqm

Unit 3
 4 Bed
 GIA - 209 sqm

Unit 4
 3 Bed
 GIA - 139 sqm

Unit 5
 3 Bed
 GIA - 139 sqm

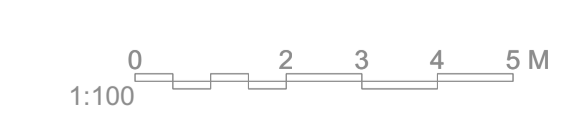
Existing Total GIA
 Approx. 1,043sqm

Proposed Total GIA
 970 sqm

Vehicle Parking
 2 vehicles per household

Bicycle Storage
 2 per household

P/210 PROPOSED FIRST FLOOR PLAN
 1:100



General Notes

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Rev	Date	Notes

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Project Title
Webbs Garage

Project Address
 Cherry Tree Lane Garage,
 Cherry Tree lane,
 Cirencester, GL7 5DT

Job No.
 2006

Drawing Title
Proposed
 First Floor Plan

Drawn By	Checked By	Date
PH	GL	08/12/20

Scale
 1:100@A1

Drawn No.	Revision
P/211	-

Drawing Status
 Planning













Item No 03:-

21/00736/FUL

**Haydons Bank
Station Road
Chipping Campden
Gloucestershire
GL55 6HY**

Item No 03:-

Single storey ancillary accommodation within garden at Haydons Bank Station Road Chipping Campden Gloucestershire GL55 6HY

Full Application 21/00736/FUL	
Applicant:	Mr & Mrs Chatfield
Agent:	Cotswolds Architects Chipping Campden
Case Officer:	Rachel Gaskell
Ward Member(s):	Councillor Mark Annett Councillor Gina Blomefield
Committee Date:	8th September 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Development
- (b) Design and Impact upon Heritage Assets
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (d) Impact on Residential Amenity
- (e) Impact on Trees
- (f) Impact on Highways and Off-Street Parking Provision
- (g) Community Infrastructure Levy (CIL)

Reasons for Referral:

Referred to Planning and Licensing Committee by Ward Member (Councillor Blomefield) for the following reasons:

- "- the proposed site of the ancillary accommodation is opposite one of the most important wool churches in the Cotswolds and its adjoining churchyard and within sight of the important historic buildings associated with Campden House site as well as being within an AONB
- the access is poor onto Station Road and Glos Highways has failed to make any comment
- the new dwelling is overdevelopment of the site and the revised plans are in sketch format with no measurements shown so it is impossible to understand just how much has been changed to reduce the size and scale of the building in this its third iteration of the plans. It would appear to be of much the same size although it is no longer immediately on the boundary of The Stables.
- better use of the space on the site without impacting neighbours might be achieved by attaching this ancillary accommodation onto the back of the existing garage rather than leaving this area to be a terrace which in due course might be infilled as additional accommodation. It would therefore be hugely preferable to have the terrace on the east side of the ancillary dwelling which would reduce the impact on the neighbours and could still give an equivalent sized building.
- I note that the Conservation Officer who may not have seen all the sets of plans originally wanted the eave height to be reduced but this does not appear to the case and because there is no longer a hipped end to the roof the overall roof is now actually longer.
- I note too that the Conservation Officer recommended that Permitted Development rights should be removed if this application was approved
- professional expertise has been employed by one objector whose comments do not appear to have been considered

- the addition of this building will have an impact on the street scene
- the Town Council strongly objects to this application and requested at their planning meeting that if it was recommended for approval by the planning officer that it should be sent to the Full Planning meeting so that the views of the Parish and local residents could be aired and discussed in a full democratic manner. There are currently strong concerns that local objections are not taken sufficiently into account and if this particular planning application is not forwarded by the Planning Review Panel to the Full Planning Committee it will amplify this feeling of disquiet over the planning processes at CDC."

1. Site Description:

- 1.1 The application site comprises the property known as Haydons Bank; a modern detached dwelling on Station Road in Chipping Campden. The site is located within the Development Boundary of Chipping Campden, and just outside the Chipping Campden Conservation Area. It is opposite the extended area of graveyard to the Grade I listed St James Church.
- 1.2 The existing dwelling on the site is a 1990s two storey detached dwelling constructed in natural stone under an artificial stone tile roof and has a Cotswold vernacular design. The surrounding properties vary in age with the oldest being The Stables immediately east of the site, which is present on historic maps dating from 1843 and as such is considered to be a non-designated heritage asset.
- 1.3 The property is within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2. Relevant Planning History:

- 2.1 93.01688 - Erection of a dwelling house - permitted 3 Dec 1993

3. Planning Policies:

TNPPF The National Planning Policy Framework
DS2 Dev within Development Boundaries
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets
EN15 Pollution & Contaminated Land
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

- 4.1 Historic England - Do not wish to offer any comments. Suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.2 Conservation Officer - Suggested amendments to the original plans. Detailed comments included within the report.
- 4.3 Environmental Health (Air Quality) - no objection

4.4 GCC Highways - No comments received at the time of writing the report

5. View of Town/Parish Council:

Original Plans:

5.1 The Town Council Objects to the proposal on the following grounds:

- a) Over-development of the site.
- b) Building is not ancillary but a separate dwelling in its own right;
- c) Building is right up against the boundaries and will have a negative impact upon its neighbours to the north and east;
- d) Will have a negative impact upon the Grade I Listed St James Church.

1st Amendments:

5.2 The Town Council maintain their objection on the following grounds:

- a) The new details do not deal with past objections and exasperate the situation.
- b) Footprint is larger, the eaves height has not been reduced and the roofspace has been increased.
- c) Building is substantial and obviously designed to have the roofspace converted.
- d) Is clearly not ancillary accommodation and should be refused.
- e) Impact upon Conservation Area and Grade I Listed St James Church is substantial.

2nd Amendments:

5.3 The Town Council maintain their objection on the following grounds:

- a) There have been no material changes.
- b) If minded to approve decision should be made by the Planning Committee.

6. Other Representations:

Original Plans:

6.1 12 letters of Objection received from local residents and interested parties making the following comments:

- a) Over-development of the area and incoherent pattern of development.
- b) Adverse impact upon neighbouring residents by virtue of loss of natural light, privacy and overbearing impact.
- c) Area is already congested with traffic and will impact on pedestrian and highway safety.
- d) The high wall of the house will become a dominating feature in an already crowded townscape including dominating the host dwelling.
- e) This is within the AONB which will be further diminished by the development.
- f) Very close to a Grade I Listed Building.
- g) The whole plan is appalling and designed only to enrich the applicant.
- h) An un-neighbourly development.
- i) Design & Access Statement refers to potential future separation of the accommodation from the main house.

- j) The curtilage of Buckland House is not correctly reflected and understates the impact of the proposed new house which is a mere 5 m away.
- k) Town Council have unanimously voted to reject this application outright.
- l) Further sub-division of this site which was originally all part of Buckland House.
- m) If approved Buckland House would be surrounded on 3 sides by excessively high buildings of limited architectural merit compared to only 1 year ago. A cumulative impact of multiple developments is therefore evident.
- n) The applicant is an experienced property developer and has not provided any evidence of dependency on the main dwelling. If genuinely ancillary a condition should be imposed.
- o) The height of the proposal is overbearing and out of keeping with other single storey Campden properties.
- p) The hardstanding areas and consequent loss of garden and vegetation would have an adverse visual impact on the setting.
- q) The extensive use of glass on the frontage is out of keeping with the vernacular.
- r) No proposals to improve the southern boundary of Haydons Bank.
- s) There is no precedent in Chipping Campden of small front gardens being used as a building plot for open market houses and this would prompt similar applications from other developers.
- t) Would add to impact on amenity for occupants of Buckland House already being endured by dominating impact of extensions to Magnolia House.
- u) Character of Station Road is predominantly double-fronted houses with generous plots facing the road.
- v) Building should be moved closer and more visually integrated into the existing buildings to qualify as an ancillary dwelling.
- w) Had to amend plans to remove 2 small dormers to the front of The Stables under 16/00805/FUL due to impact on character.
- x) Development has all the hallmarks of a new independent dwelling and should therefore be determined accordingly.
- y) Impact on neighbouring trees and their Root Protection Areas (RPAs). No information has been submitted to mitigate the effects of this.
- z) No BRE Daylight/Sunlight Assessment has been submitted to address potential loss of sunlight.
- aa) Impact of the construction process on neighbour's amenity.

Ist Amendments:

6.2 13 letters of objection received from local residents and interested parties making the following comments:

- a) Over-development of a small parcel of land.
- b) Appears to be little material change that would affect previous comments. Difficult to determine as no drawings contain measurements the length of the front of the building now appears to be longer, contrary to the recommendation of the Conservation Officer.
- c) Case Officer's email should be included in documents in interests of transparency.
- d) Agree with the Conservation Officer's comments and these should be strictly applied.
- e) Proposal will seriously detract from the amenities of both The Stables and Buckland House.
- f) Further sub-division of this site and removal of vegetation eroding the aesthetic of this historic, rural AONB.
- g) Could the additional accommodation be achieved through an integrated extension to the existing garage?
- h) Support the lowering of the ridge height, however, this should be lowered further, along with the eaves height.

- i) Design, particularly the large areas of glazing and the potential of solar tiles to the south elevation, are out of keeping with the Cotswold character.
- j) The owner of the neighbouring property at The Stables does not consent to a party wall on their boundary.
- k) Would create a built-up, urban environment when viewed from Buckland House.
- l) Roof is now larger and it is still high enough to accommodate a second level. Could easily be changed to a flat roof or one with a low pitch and rooflights should be removed to prevent overlooking.
- m) Only sketch plans are available. Proper plans are required before any determination can be made.
- n) It is noted that the Planning Officer has been in discussion with the applicant but the changes remain inconsequential.
- o) No further details of dependency provided. An ancillary dwelling would include wider doorways etc. to accommodate a wheelchair. The bathroom is too small to accommodate a disabled person.
- p) Permitted Development Rights should be removed as per the Conservation Officer's comments.
- q) There is no indicated parking. Any parking space would be too far away from a charging point. Two cars cannot now be accommodated. When the new house is sold an entrance will be created such that there will be no parking space.
- r) The trees to the boundary of Buckland House will remain. The reference to the hedge on the north boundary is misleading as it is actually to the east.
- s) The positioning of rooflights over the kitchen and bathroom is irrelevant given the plans are only sketches with the comment regarding health of little consideration due to the proximity of the site to a busy road used by HGVs.
- t) The installation of a wood burning stove would be injurious to health of occupants of Buckland House.
- u) Moving the building has now created amenity issues for Haydon's Bank given the very close proximity of the 2 separate dwellings.
- v) Impact upon trees.

2nd Amendments:

6.3 7 letters of objection received from local residents and interested parties making the following comments:

- a) Overdevelopment of site and inappropriate design.
- b) Suspect it will become a 2-storey independent dwelling and proposed new Cotswold stone boundary wall will be removed to allow access.
- c) Harmful to the setting of the Grade I listed Church and Chipping Campden Conservation Area.
- d) Curtilage of Buckland House remains incorrect on the submitted plans.
- e) Only rough sketches have been provided and therefore it is not possible to determine dimensions.
- f) Design and Access Statement is ambiguous in many places in that it states possibilities rather than actualities.
- g) Design and Access Statement's information surrounding the applicant is of no consequence to the planning process, in the same way that the impact of this on the value of neighbouring properties is not taken into account.
- h) Email from applicant to neighbour in November 2020 stated they are planning to relocate and therefore this shows they intend to sell Haydon's Bank with the planning permission or sell the plot separately.

- i) The line of 25 degrees from The Stables is incorrect as the conservatory is the main habitable room. If drawn correctly it would impinge on light to this property.
- j) Retention of the hedge is irrelevant as the applicant has declared it a nuisance and therefore will remove it. Also it will be damaged during construction.
- k) Removal of the wood burning stove is irrelevant as it will be reinstated.
- l) The construction methods in relation to trees will likely raise the entire floor and therefore the overall height of the building.
- m) The miniscule distance of 150mm is not sufficient to construct the new dwelling from the applicant's side and no permission will be given to cross boundary of Buckland House.
- n) Changes remain inconsequential and no further evidence of dependency has been provided.
- o) Application should be considered on the basis of the proposed future use and not determined as an ancillary dwelling.
- p) Access to the site is not excellent as stated in D and AS. Applicant has frequently contacted Highways regarding speed of traffic and there are usually parked vehicles along this stretch of Station Road.
- q) When 'adapting' the dwelling for future use there would be amenity issues for Haydon's Bank due to the close proximity.
- r) The construction of a new dwelling will impinge on the ability of near neighbours to undertake gainful employment.
- s) Reference to metering of property clearly indicates it will be separate and non-dependent.
- t) Design favours the applicant only.
- u) There is no precedent of a small front garden being used as a building plot in Chipping Campden.
- v) This is not wanted by the Town Council.
- w) Site is in the AONB.
- x) Comments about no increase in vehicular movements are clearly 'pie in the sky'.
- y) Loss of mature vegetation.

6.4 A further comments from an Objector raised the following additional concerns:-

"1. The Case Officer requested evidence of dependency for the proposed dwelling. Instead, the D&A states on page 13 that any new supplies of utilities to the new dwelling will be sub-metered. This sub-metering, instead of current utilities being extended from Haydons Bank, indicates no dependency, rather the reverse. Further, the G&A plan shows a recycling store which will require notice to the CDC that recycling bins will be required and collection from a separate dwelling. This provides further evidence that there is no dependency and that the new dwelling intends to be separated and sold as a standalone dwelling. The proposed new dwelling is in the front garden (ie - it stands forward of the existing Haydons Bank next to the road) of an existing property that has already been built in the garden of Buckland House.

2. The requirement for details relating to BRE IP 23/12 have not been met. The 25 degree measurement is from the rear of The Stables wall and not from The Stables Conservatory and takes no account of the change in . There are also no details with regard to the impact on the habitable rooms of Buckland House.

3. The proposed method of mitigating the tree roots on the North Boundary have the potential to raise the height of the entire building (see Experts report).

4. The G&A Statement on Page 6 erroneously refers to Buckland House as Green House. This has the potential to confuse the reader and may suggest an ancillary structure rather than a neighbouring property.

5. The "sketches" still fail to define the boundaries on the North and East as requested."

7. Applicant's Supporting Information:

7.1 Design & Access Statement

7.2 Additionally, the Applicant's agent has provided the following response to the latest Third Party Objection:-

"For clarity and to be sure that the Councillors are aware of all the facts, I wonder whether you would kindly ensure that both councillors are made aware that Mr Leighton has clearly misunderstood the Case Officer Rachel Gaskell requests set out in her 6 July email and our response in the form of our amended information dated and posted on 9 July 2021. We refer to the points raised by Mr Leighton using his numbering for ease of reference;

1. For clarity, the term sub-metering, refers to a second meter being connected to a single electricity supply. Therefore the primary meter is the main meter from which readings are taken and suppliers invoices determined. The sub-meter is for the occupants use only and allows them to identify the proportion of the electricity being used by the annex. It is a requirement as part of the application that we show that space is allocated for recycling bins. Obviously one wishes to have such bins as close as possible to the annex, especially if one is elderly or infirm. Comments regarding collection of bins from a separate dwelling seem irrelevant, as bins are taken to roadside.

2. Details relating to BRE IP 23/12 were agreed with the case officer and met by our annotating the drawings. The worst case scenario was indicated using the apex of the proposed annex as a reference point to the habitable rooms of The Stables. There will be no loss of daylight from the conservatory of the neighbour of Mr Leighton. Habitable rooms of Buckland House will not suffer loss of daylight as the eaves height to the north elevation of the proposals is too low to have an effect and the roof slopes away from the eaves/boundary.

3. The slab height of the proposals is set and therefore the height of the building is set. The Leighton objection dated 17 August 2021 refers to an 'Experts report'. For the record, the Leighton objection dated 28 July 2021 does not enclose or attach a report from an expert but merely 'quotes from an expert'. The quotes contain the words 'likely' and 'possible' and are therefore not based on fact. An indicative foundation solution was referred to in our 9 July submission. It should be noted that the detailed design of foundations is a Building Regulations issue and not a matter for Planning.

4. The Design and Access Statement does have an error on page 6, referring to Green House. All the drawings have been corrected and we feel this error has little relevance at this stage.

5. The case officer asked for the reference 'TBC/agreed' (in regard to the boundary lines) to be removed from the drawings. However, the boundary lines are still shown on the drawings with setting out dimensions referenced as requested by the case officer."

8. Officer's Assessment:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 8.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 8.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) (2021) are also a material planning consideration.

Background and Proposed Development

- 8.4 This application is seeking full planning permission for the erection of a single storey, detached ancillary outbuilding of linear form within the rear/side garden area of Haydon's Bank. The proposed building would be located adjacent to the site's shared boundary with Buckland House to the north, and, following amendments set off the eastern (angled) boundary with The Stables by a minimum distance of 1.5 m. The building would be constructed of Cotswold stone with a pitched roof to be finished in natural slate to the rear roof slope and PV slates to the front. The windows and doors would be of oak construction left to naturally silver. Two small conservation style rooflights are proposed within the rear (northern) elevation. The ridge height of the building would be 4.4 metres, with an eaves height of 2 metres. The proposal would be 15.4 metres wide with a depth of 4.5 metres. The outbuilding would provide ancillary annexe accommodation to the main house comprising an open plan kitchen, sitting, dining area with separate WC, 1 bedroom and a bathroom. The application has been submitted as a householder development with the description of the proposal including the word 'ancillary'. The scale of accommodation, the applicant's agent has stated that the height between the top of the truss tie beam and the apex of roof at 1750mm would be insufficient to convert into usable attic space in the future, within the proposed outbuilding and its close proximity to the main dwelling is considered to demonstrate a functional reliance upon Haydon's Bank by virtue of the modest level of accommodation and shared off-street parking and garden area.

(a) Principle of Development

- 8.5 The site is located within the Development Boundary of Chipping Campden. Policy DS2 of the Local Plan states:
- "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle."
- 8.6 Concern regarding the nature of the use of the proposed outbuilding has been raised within a number of the letters of representation. The application states that it would be ancillary to the existing residential dwelling at Haydons Bank to enable multi-generational occupation of the site. The covering letter submitted with the current proposals does make reference to potential future changes to the use of the proposed building including it being occupied as a separate dwelling. This application is only considering the current proposal for ancillary accommodation, if the building was to be used for non-ancillary purposes a further planning

application would be required and a further assessment under the relevant policy at the time would be made. For the avoidance of doubt it is considered reasonable to impose an informative advising the applicant of the ancillary nature of the use.

(b) Design and Impact upon Heritage Assets

- 8.7 The application site is located opposite the former site of Campden House, where a number of its buildings and structures survive and are listed. It is also located diagonally opposite, and on the other side of the road to St James' Church, which is Grade I Listed. The Local Planning
- 8.8 Authority is therefore statutorily required to have special regard to the desirability of preserving these buildings and structures, as well as their setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.9 The proposal site is located outside the Chipping Campden Conservation Area, but the boundary line runs along Station road to include St James' Church, its Church Yard and the former site of Campden House on the opposite side of the road. As such the setting of the conservation area is a key consideration of this proposal.
- 8.10 The Stables to the east of the application site is considered to be a non-designated heritage asset, although it is not clear as to which property it historically related to, it does appear on the 1843-1893 OS map backing on to open orchards. The Stables has historic and architectural interest and retains an overall simple utilitarian character and low linear gabled form reflecting its past use. The Stables are also constructed in materials and details characteristic of the Cotswold Vernacular. In this regard the setting of this building as a non-designated heritage asset must be considered.
- 8.11 Section 16 of the National Planning Policy Framework (NPPF) (2021) requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets, including their settings.
- 8.12 Paragraph 197 states 'In determining applications, local planning authorities should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness
- 8.13 Paragraph 199 states 'When considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'
- 8.14 Paragraph 200 states 'that the significance of a designated heritage asset can be harmed from its alteration, destruction, or from development within the setting'.

- 8.15 Paragraph 202 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals'.
- 8.16 Paragraph 203 states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 8.17 The NPPF in Annex 2 defines the Setting of a heritage asset as 'Surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance of an asset or may be neutral'.
- 8.18 Historic England- The Setting of Heritage Assets- Historic Environment Good Practice in Planning Note 3 (Second Edition) gives assistance concerning the assessment of the setting of heritage assets, and is used in the following assessment.
- 8.19 Paragraph 9 states 'Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance'
- 8.20 Paragraph 10 states 'The contribution of a setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset.'
- 8.21 Paragraph 16 states 'Views out from a heritage asset that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting'
- 8.22 Policy EN1 of the Local Plan covers the Built, Natural and Historic Environment and states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development.
- 8.23 Policy EN2 covers the Design of the Built and Natural Environment and states that development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality.
- 8.24 Policy EN10 covers the Historic Environment: Designated Heritage Assets. It states that in considering proposals that affect a designated heritage asset or its setting, great weight shall be given to the asset's conservation, and that the more important the asset, the greater the weight should be. It also states that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted. Finally it states that proposals that would lead to harm to the significance of a designated heritage

asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, and that any such assessment will take account of the importance of the asset, the scale of harm, and the nature and level of the public benefit.

- 8.25 Policy EN11 covers the Historic Environment: Designated Heritage Assets (Conservation Areas). It states that development proposals that would affect conservation areas and their settings will be permitted provided they: preserve and where appropriate enhance the special character and appearance of the conservation area, in terms of siting, scale, form, proportions, design, materials and retention of positive features; include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the conservation area; will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and appearance, and/or allow important views into or out of the conservation area; and do not include any internally illuminated advertisement signage unless the signage does not have an adverse impact on the conservation area or its setting.
- 8.26 Local Plan Policy EN12 refers to Non Designated Heritage Assets, stating:
1. Development affecting a non-designated heritage asset will be permitted where it is designed sympathetically having regard to the significance of the asset, its features, character and setting.
 2. Where possible, development will seek to enhance the character of the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss.
 3. The assessment of whether a site, feature or structure is considered to be a non-designated heritage asset will be guided by the criteria set out in Table 6.
- 8.27 Although located in relatively close proximity to St James' Church, the application site is not considered to specifically contribute to its architectural or historic significance. The proposal site can however be viewed across the road from the Churchyard, but it is viewed amongst a collection of largely modern built forms closely situated together without forming particular aesthetic grouping. The rear elevation of The Stables can also be viewed from the Churchyard, but again it is considered not to specifically contribute to the architectural or historic significance of the Church as no historic connection is evident. The Stables' contribution to the setting of the Church via visual relationships is limited and it is largely read within the collection of other built form to the opposite side of the road.
- 8.28 The situation is similar in regard to the settings of the listed buildings and structures within the former Campden House site. The proposal site does not specifically contribute to any of their architectural or historic significance, but is viewed amongst a collection of largely modern built forms closely situated together without forming particular aesthetic grouping.
- 8.29 In this respect it is the general context of built form and its arrangement to the northern side of Station Road, surrounding and including the proposal site, which is the consideration in this case. Should the proposal relate to its context in location, scale, height, design and materials, then the setting of the above mentioned designated heritage assets (listed building, structures and the Conservation Area) would remain unharmed.

- 8.30 The Stables as a non-designated heritage asset is in closer proximity to the proposal site and the proposed building would be in its immediate setting. Therefore consideration also needs to be given as to whether the application site forms part of the significance of The Stables, and then whether the proposed building adjacent would harm its individual significance (setting).
- 8.31 Historically The Stables building, according to C19th maps, appears to have backed onto a field or orchard. However, its current setting is a small enclosed garden space to its rear with additional houses (and their gardens) to the side and further to the rear. Any relationship The Stables once potentially had with the field/orchard historically has since been lost through the development of the land around it and alterations to the settlement pattern and its field boundaries.
- 8.32 The low elongated form of the Stable building, its simple character and fenestration pattern reflect its historic use and forms an essential part of its significance as a non-designated heritage asset. The proposed building has a similar form to The Stables, but with a front elevation more akin a cart shed. With the reduction in its overall height, and its relocation away from the eastern boundary, the proposal's prominence in relation to the neighbouring non-designated heritage asset has been reduced sufficiently to prevent harm to its significance.
- 8.33 The manner in which the proposed building would relate to its context is a general design consideration for any development (whether it is within a Conservation Area boundary or not). The context of the application site includes The Stables to one side, a two storey modern house to the other side and a one storey modern house to the rear. The front of the application site is enclosed by a boundary fence, which, following the submission of amended plans is to be replaced with a 1.8m high Cotswold stone wall. The context is therefore relatively high density already, with both single and two storey buildings being characteristic. In this regard it is considered that an elongated single storey gabled building orientated and sited as proposed, that has been reduced in length and height following the submission of amended plans, would relate to its context. In this regard it is considered necessary and reasonable to impose a condition removing permitted development rights to retain the character of the immediate area.
- 8.34 Overall, following the amendments to reduce its height and the relocation away from the eastern boundary with The Stables the proposed outbuilding would now preserve the setting of nearby listed buildings, the setting of the Chipping Campden Conservation Area and sustain the significance of the non-designated heritage asset of The Stables. The application as now amended would therefore meet the requirements of the relevant sections of the Planning (LBCA) Act 1990, Section 16 of the NPPF (2021), and Policies EN1, EN2, EN10, EN11 and EN12 of the Local Plan.

(c) Impact on the Cotswolds Area of Outstanding Natural Beauty

- 8.35 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
- 8.36 Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take

account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

- 8.37 Local Plan Policy EN5 'Cotswolds Area of Outstanding Natural Beauty' states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.
- 8.38 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 8.39 The proposed development would be set within the existing residential curtilage of Haydons Bank and which is surrounded by other residential dwellings and is viewed amongst a collection of largely modern built forms closely situated together. As such, the addition will not result in any encroachment of urban built form into the open countryside. Overall, it is considered that the proposed development will preserve the special qualities of the Cotswolds AONB.

(d) Impact on Residential Amenity

- 8.40 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect.
- 8.41 Policy EN15 of the Local Plan - Pollution and Contaminated Land requires development not to result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:
- a. pollution of the air, land, surface water, or ground water sources; and/or
 - b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.....
- 8.42 Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.
- 8.43 The proposed ancillary outbuilding would be located in the rear/side garden area of this dwelling within the town of Chipping Campden. The north and east boundaries of this garden area are currently made up of trees and vegetation, a section of the northern boundary has been removed due to the hedge dying. It is proposed that the northern boundary will be formed by the rear wall of the building. There would be a corner to corner distance of approximately 5.5 m between the north eastern corner of the proposed single storey ancillary building and the south western corner of the 2-storey Buckland House. The rear wall of the proposal would not include any openings with the northern roof slope having been amended to contain just 2 small rooflights above the internal bathroom and the kitchen area to provide additional natural light and ventilation. The orientation of these small openings within the roof plane, facing towards the garden area of Buckland House, is considered to comply with the requirements of Policy EN2 and the Cotswold Design Code in that significant loss of privacy, or the perception of such, would not result.

- 8.44 At the closest point there would be a distance of approximately 11.6m from the blank gable end of the proposed building to the principal elevation of The Stables to the east. The current submitted plans show a line of 25 degrees drawn from the rear elevation of The Stables easily clearing the roof of the proposed building and therefore demonstrating in line with the advice contained in the Building Research Establishment publication IP 23/12 - Site Layout Planning for Daylight that a significant loss of natural light should not result to The Stables. It is acknowledged that this line has not been drawn from the conservatory that is on this neighbouring property, however, that is orientated to the north west and together with the existing hedge that has a height of around 3.5m, and which following consultation with neighbours is shown to be retained on balance it is not considered that any significant loss of natural light would result to this property.
- 8.45 Concern has been raised by a neighbouring resident over the proposed wood burner in terms of the impact upon their health, this has subsequently been removed from the proposal, however, it should be noted that the Council's Environmental Health Officer does not raise any objections on the grounds of air quality. The fitting of a wood burner would need to comply with the relevant Building Regulations but would not necessarily require planning permission, although this would depend upon the height and positioning of any flue.
- 8.46 Ample residential amenity space would be available for both the host property and the proposed ancillary accommodation to use.
- 8.47 On this basis it is considered that the proposal would not result in significant adverse impact upon the amenity of neighbouring occupants or property. As such, the proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

(e) Impact upon Trees

- 8.48 Local Plan Policy EN7 seeks to preserve and enhance trees, hedgerows and woodlands.
- 8.49 The current plans now show the retention of the hedge to the eastern boundary. The existing trees within the neighbouring property to the north (Buckland House) have been

shown on the amended block plan and reference has been made on the plan to these being retained. Further comments have been received from the owner of this property in relation to the impact of the proposal upon these trees, the Council's Tree Officer has advised that: "the trees and hedge in the photos are fairly young and are not considered to be veteran trees or trees, woodlands or hedges of high landscape, amenity, ecological or historical value. As such there no tree policy objection to the development. The potential impact of the development on tree roots would be a civil issue between the properties and we would not require specialist foundation design to protect tree roots."

(f) Impact on Highways and Off-Street Parking Provision

- 8.50 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets. Policy INF5 states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

- 8.51 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.52 Access to the site would remain as existing. Concern has been raised by interested parties in relation to the safety of the access to accommodate further vehicle movements. On the basis that this proposal relates to ancillary accommodation where adequate off-street parking provision can be achieved and an improved turning area would be provided to allow vehicles to more easily enter and leave the site in a forward gear it is not considered that this development would result in an unacceptable impact upon highway safety. The provision of off-street parking spaces prior to the first use/occupation of the ancillary accommodation can be controlled by condition.

(g) Community Infrastructure Levy (CIL)

- 8.53 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.
- 8.54 As this is a residential annex, the applicant may apply for relief.

9. Conclusion:

- 9.1 The proposal is considered to accord with the policies in the Development Plan and NPPF. The recommendation is for planning permission to be granted.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

- Site Location Plan - dwg. no. 158/P/LP rev. B - received 9 July 2021
- Proposed GA Plan - dwg. no. 158/P03 rev. B - received 9 July 2021
- Proposed Street Elevation - dwg. no. 158/P04 rev. B - received 9 July 2021
- Proposed Long Section - dwg. no. 158/P05 rev. B (2) - received 6 August 2021
- Proposed North Elevation - dwg. no. 158/P06 rev. B - received 9 July 2021

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of any external wall, including the proposed boundary wall, of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies EN2 and EN12, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

4. Prior to the construction of any external wall of the development hereby approved, a sample of the proposed roofing slate shall have been approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN12, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

5. No bargeboards or eaves fascias shall be used in the proposed development.
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

6. All door and window frames shall be recessed a minimum of 75mm into the stonework external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

7. No windows, doors, rooflights or lintels shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

8. The rooflights hereby approved shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

9. New rainwater goods shall be of cast metal construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

10. Prior to the first use/occupation of the development hereby approved the off-street parking/turning area as shown on the approved plans (dwg. no. 158/P03 rev. B) shall be completed and available for use. The parking/turning area shall be retained for this purpose for the lifetime of the development.

Reason: To ensure that adequate off-road parking is provided and vehicles can enter and leave in a forward gear in accordance with Policies INF4 and INF5 of the Cotswold District Local Plan.

11. Prior to the first use/occupation of the development hereby approved the front (southern) boundary wall as shown on the approved plans (dwg. no. 158/P03 rev. B) shall be completed.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN12.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.
2. The outbuilding hereby approved shall only be occupied ancillary to the host dwelling known as Haydons Bank.

Revision A. 20 iv 2021. Site boundary amended as case officers request.
Revision B. 6 vii 2021. Buckland House extensions shown as CO request.

COTSWOLDS ARCHITECTS

CHIPPING CAMPDEN

architecture · interiors · landscape · historic buildings · conservation · repair

Project
Mr & Mrs B Chatfield
Haydens Bank
Station Road
Chipping Campden
GL55 6HY

Drawing
Location Plan

(Planning Application)

Drawing No.
158/P/LP Rev B

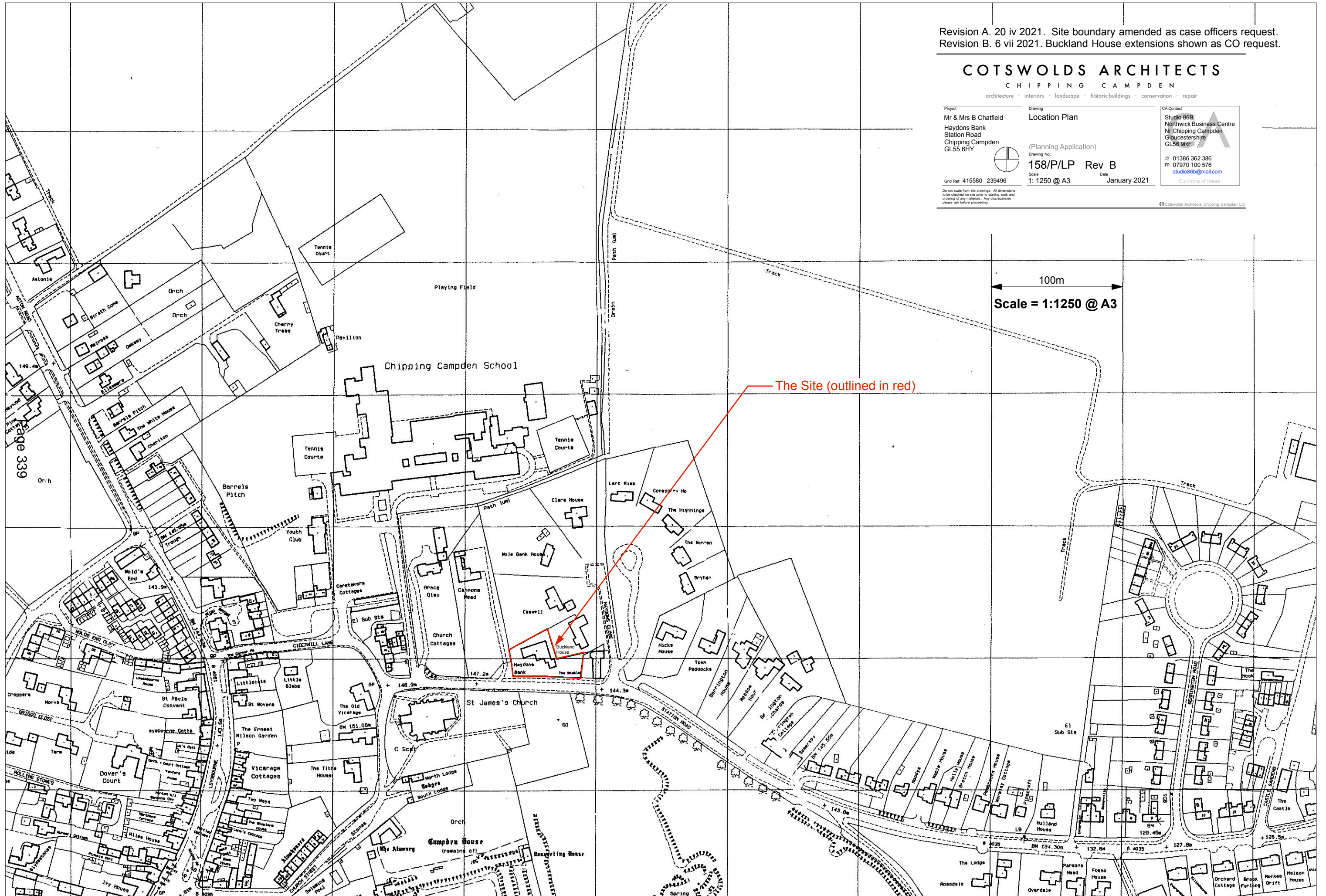
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1: 1250 @ A3

Date
January 2021

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Curators of Ideas

Grid Ref: 415580 239496
Do not scale from the drawings. All dimensions to be checked on site prior to starting work and ordering of any materials. Any discrepancies please ask before proceeding.

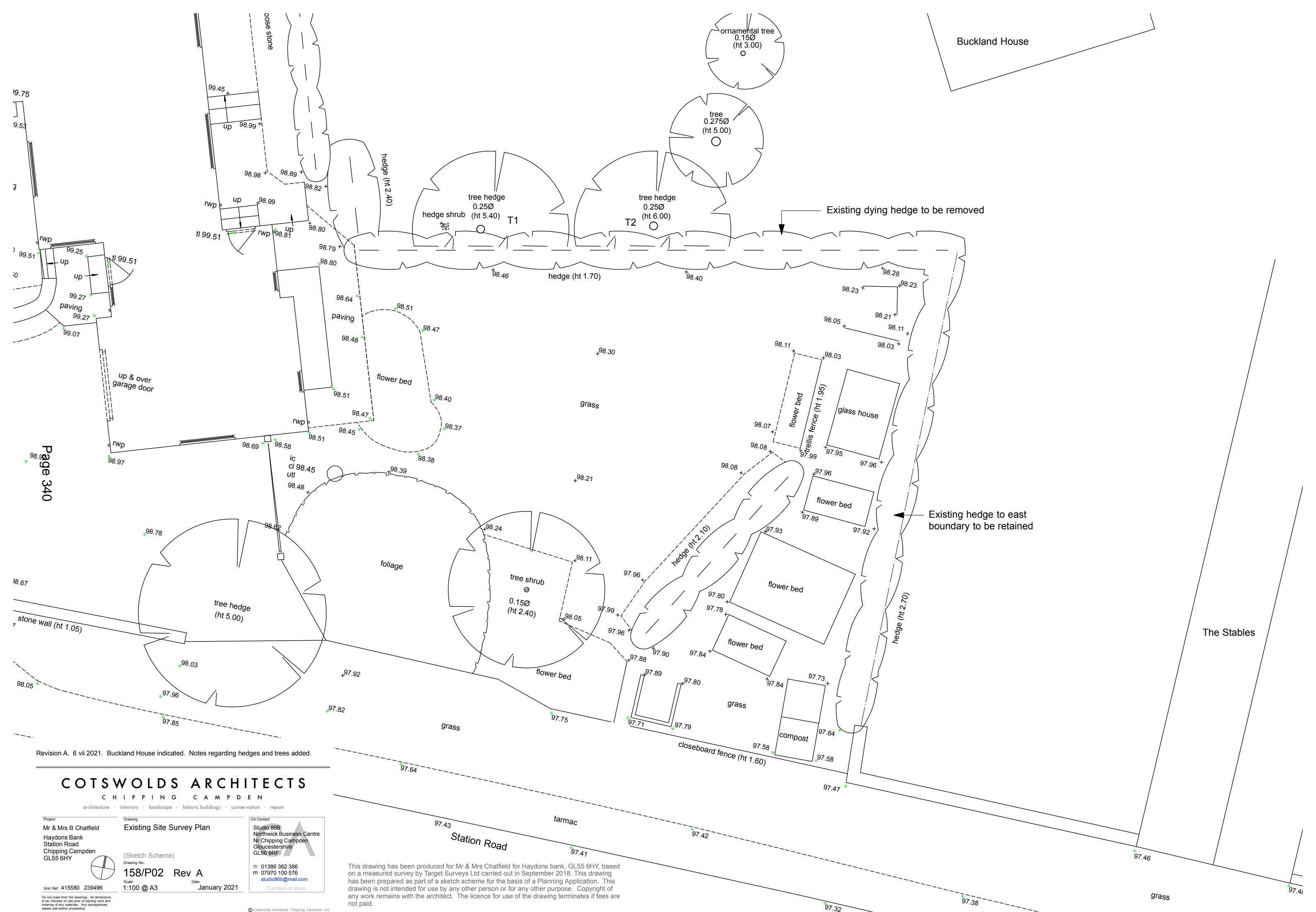
©Cotswolds Architects Chipping Campden Ltd



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100m
Scale = 1:1250 @ A3

The Site (outlined in red)



Revision A. 6 vii 2021. Buckland House indicated. Notes regarding hedges and trees added.

COTSWOLDS ARCHITECTS
CHIPPING CAMPDEN

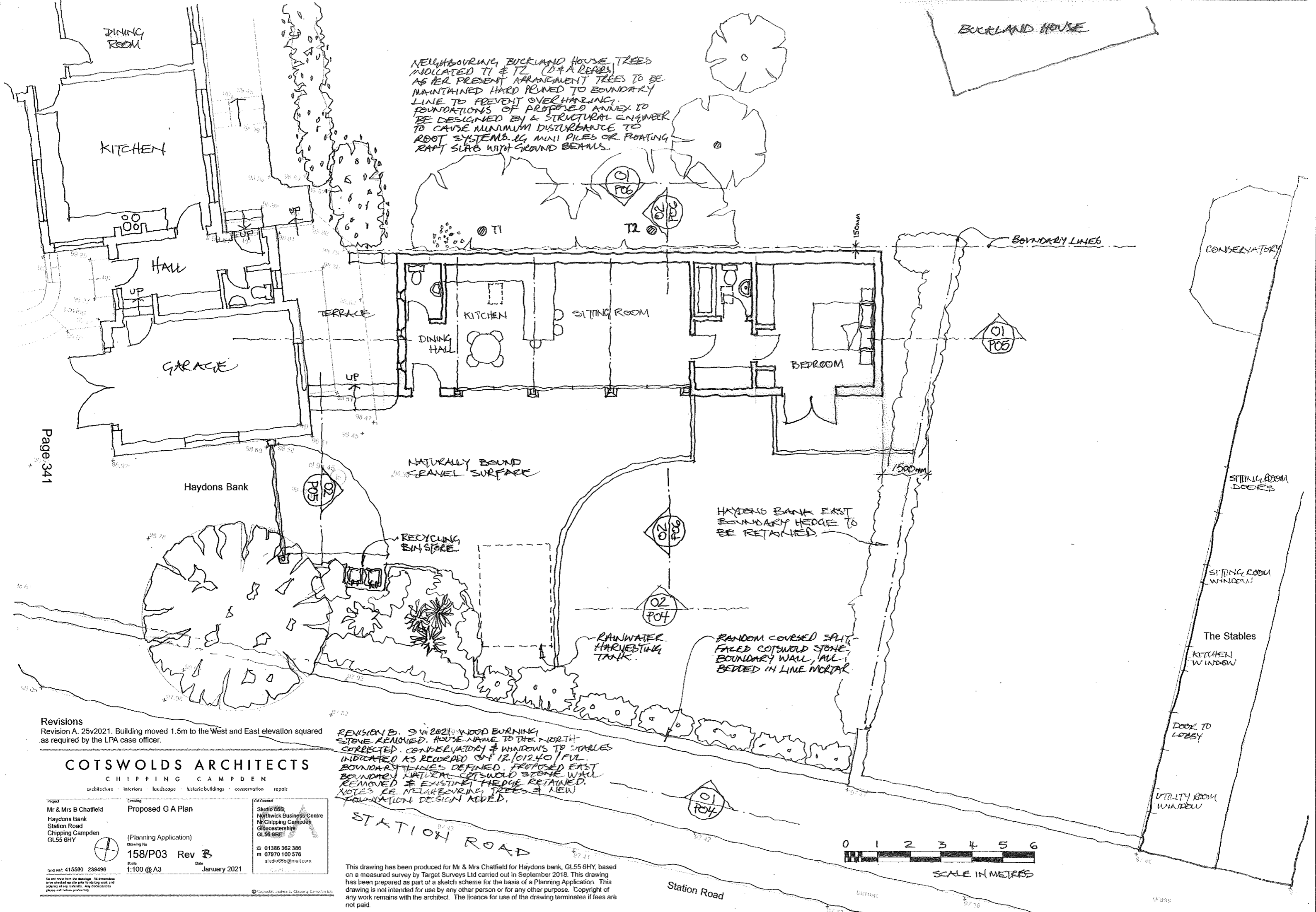
architecture · interiors · landscape · historic buildings · conservation · repair

<p>Project Mr & Mrs B Chatfield Haydons Bank Station Road Chipping Campden GL55 6HY</p>	<p>Drawing Existing Site Survey Plan (Sketch Scheme) Drawing No. 158/P02 Rev A Scale 1:100 @ A3 Date January 2021</p>	<p>CA Contact Studio 86B Northwick Business Centre Nr Chipping Campden Gloucestershire GL56 9RF 01386 362 386 m 07970 100 576 studio86b@mail.com CurATORS of Ideas</p>
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Grid Ref: 415580 239496
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NEIGHBOURING BUCKLAND HOUSE TREES INDICATED T1 & T2 (D&A RECORDS) AS PER PRESENT ARRANGEMENT TREES TO BE MAINTAINED HARD PRUNED TO BOUNDARY LINE TO PREVENT OVERHANGING. FOUNDATIONS OF PROPOSED ANNEX TO BE DESIGNED BY A STRUCTURAL ENGINEER TO CAUSE MINIMUM DISTURBANCE TO ROOT SYSTEMS. EG MINI PILES OR FLOATING RAFT SLAB WITH GROUND BEAMS.

HAYDONS BANK EAST BOUNDARY HEDGE TO BE RETAINED.

RANDOM COURSED SPILT FACED COTSWOLD STONE BOUNDARY WALL, ALL BEDDED IN LINE MORTAR.

REVISION B. 9th 2021 WOOD BURNING STONE REMOVED. HOUSE NAME TO THE NORTH CORRECTED. CONSERVATORY & WINDOWS TO STABLES INDICATED AS REQUIRED ON 12/01/2020 / PUL. BOUNDARY LINES DEFINED. PROPOSED EAST BOUNDARY NATURAL COTSWOLD STONE WALL REMOVED & EXISTING HEDGE RETAINED. NOTES RE NEIGHBOURING TREES & NEW FOUNDATION DESIGN ADDED.

Revisions
 Revision A. 25/2021. Building moved 1.5m to the West and East elevation squared as required by the LPA case officer.

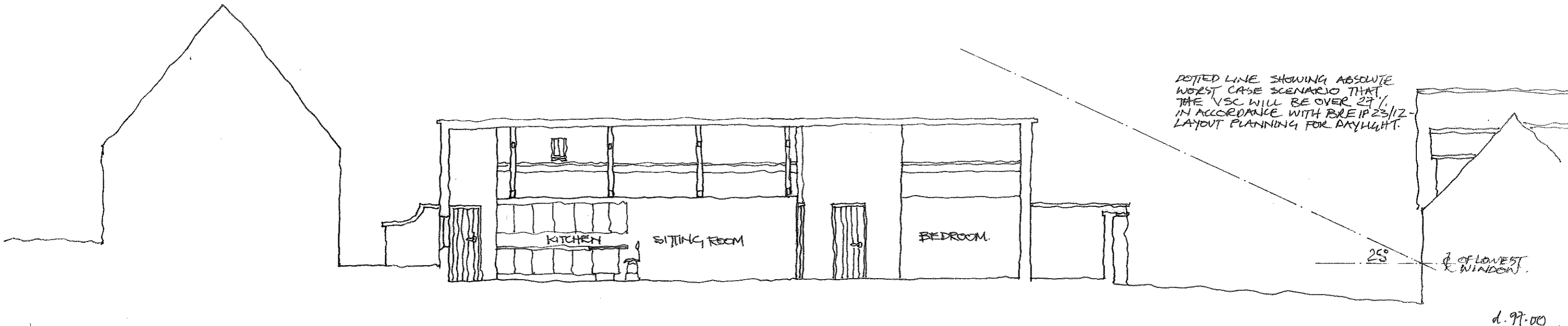
COTSWOLDS ARCHITECTS
 CHIPPING CAMPDEN
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Project: Mr & Mrs B Chatfield
 Haydons Bank
 Station Road
 Chipping Campden
 GL55 6HY

Drawing: Proposed GA Plan
 (Planning Application)
 Drawing No: 158/P03 Rev B
 Scale: 1:100 @ A3
 Date: January 2021

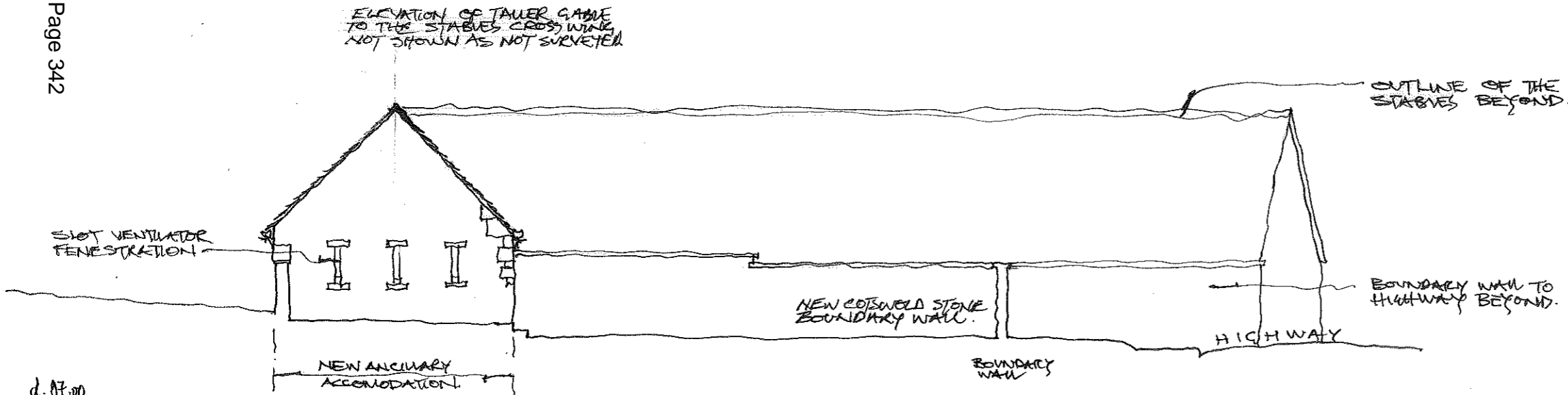
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 studio88b@gmail.com

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01 LONG SECTION. (LOOKING NORTH)
P05

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02 WEST ELEVATION (WITH STABLES BEYOND)
P05

DOTTED LINE SHOWING ABSOLUTE WORST CASE SCENARIO THAT THE VSC WILL BE OVER 25% IN ACCORDANCE WITH BRE IP 23/12 - LAYOUT PLANNING FOR DAYLIGHT.

d. 97.00

ELEVATION OF TOWER GABLE TO THE STABLES CROSS WING, NOT SHOWN AS NOT SURVEYED.

OUTLINE OF THE STABLES BEYOND.

SLOT VENTILATOR FENESTRATION

NEW COTSWOLD STONE BOUNDARY WALL.

BOUNDARY WALL TO HIGHWAY BEYOND.

HIGHWAY

NEW ANCILLARY ACCOMMODATION

BOUNDARY WALL

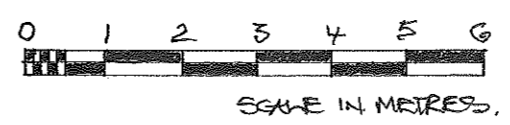
d. 07.00

REVISION B. 9/11/2021. LINE ADDED DEMONSTRATING THAT THE PROPOSALS DO NOT AFFECT DAYLIGHT TO THE STABLES IN ACCORDANCE WITH BRE IP 23/12 - LAYOUT PLANNING FOR DAYLIGHTING. WOOD BURNING STONE REMOVED.

Revisions
Revision A. 25/2021. Building moved 1.5m to the West, East elevation squared, ridge lowered and hipped gable removed as required by the LPA case officer.

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Project Mr & Mrs B Chatfield Haydens Bank Station Road Chipping Campden GL55 6HY	Drawing Proposed Long Section (looking north) & West Elevation (Planning Application) Drawing No. 158/P05 Rev B Scale 1:100 @ A3 Date January 2021	CA Contact Studio 868 Northwick Business Centre Nr Chipping Campden Gloucestershire GL55 6RF 01386 362 386 m 07970 100 576 studio868@mail.com
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ADVANCE SIB NOTICE

21/00616/FUL: 2,3,4,6,7,8 & 11 Tally Ho Lane, Guiting Power & 21/00617/FUL: No. 3 & 5, Pear Tree Close, Lower Swell: Following discussions with Senior Officers and Members, it is proposed that an Advance SIB is undertaken to view a property at 2 Evenlode Road, Broadwell, which has been clad in stone slips and render, similar to those materials proposed to be used at the sites currently under consideration at Guiting Power and Lower Swell. The SIB will enable Members to gain a better understanding of the visual impact of the materials, in situ.

See Appendix I

Bromford.

Cotswold Stone EWI Pilot

These offgas properties in rural locations are notoriously hard to treat in terms of improving thermal efficiency.

Special Cotswold stone effect brick slips and stone effect window surrounds & cills proved to be the perfect solution.

BEFORE



AFTER



Bromford.

Mrs X – 2 Evenlode Moreton in the Marsh

"We are thrilled about how beautiful the finished look of our home is.

We can already feel a difference in how much warmer the house feels"

BEFORE



AFTER



Bromford.

The EPC ratings prior to EWI being installed was a low E.

Post install it improved to a C.



PRE installation EPC:

Electric heated, solid wall property, has 300mm of Loft insulation in place:



POST installation EPC:

EWI installed - moved from a low "E" to a high "C" rated property: